IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 18702 of 2020

==========

CHIRAG @ ILU BADIYA CHAREL
Versus
STATE OF GUJARAT

==========

Appearance:
MR.MINHAJ M SHAIKH(6847) for the Applicant(s) No. 1
MR HARDIK SONI, APP (2) for the Respondent(s) No. 1

==========

CORAM:**HONOURABLE MR. JUSTICE A.G.URAIZEE**
Date : 10/12/2020
ORAL ORDER

1. **RULE**. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent- State of Gujarat.

2. The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for regular bail in connection with an FIR being C.R.No.11821008200547 of 2020 registered with Dahod Rural Police Station, District: Dahod for the offences under Sections 65-E, 98(2), 116-B of Gujarat Prohibition Act.

3. Heard Mr. Minhaj, M. Shaikh, learned advocate for the applicant and Mr. Hardik Soni, learned APP for the respondent No.1.

4. Mr. Shaikh, learned advocate for the applicant submits that the applicant was not arrested from the spot. He submits that liquor worth Rs.62,400/- is alleged to have been recovered from the Car of the applicant. He submits that the applicant is behest part since last one month. He submits that looking to the quantity of the liquor, nature of allegation and evidence, the applicant may be enlarged on bail on appropriate conditions.

5. Mr. Soni, learned APP for the respondent has opposed this application. He submits that the applicant has six criminal antecedents of similar nature. He submits that if enlarged on bail, the applicant is likely to involve himself in similar boot-legging

activities. He, therefore, submits that the applicant may not be enlarged on bail. However, he submits that if the Court is inclined to release the applicant on bail, reasons may not be assigned on the merits of the case.

6. In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, I am of the opinion that without expressing opinion on merits and arguments canvassed by the learned advocates on either side this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, the present application is allowed and the applicant **is** ordered to be released on **regular bail** in connection with an FIR being **C.R.No.11821008200547 of 2020** registered with Dahod Rural **Police Station, District: Dahod** on executing a personal bond of **Rs.10,000/-** (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that the applicant shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;

[e] mark presence before the concerned Police Station on every Monday of each English calendar month between 10:00 a.m. and 3:00 p.m. till the trial is over;

[f] furnish latest and permanent address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

7. The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. Bail bond to be executed before the learned Lower Court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions, in accordance with law. At the trial, learned Trial Court shall not be influenced by the observations of preliminary nature, qua the evidence at this stage, made by this Court while enlarging the applicant on bail.

8. Rule is made absolute to the aforesaid extent. Registry is directed to send the copy of the order through email or Fax to the concerned trial Court.

(A.G.URAIZEE, J)

NAIR SMITA V./MANOJ