

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 2103 of 2024**

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VIRENDRASINH @ GOPAL SURUBHA JADEJA
Versus
STATE OF GUJARAT

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Appearance:

MR MAULIK NANAVATI with ADITYA A GUPTA(7875) for the Applicant(s) No. 1
MR SOAHAM JOSHI, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 02/02/2024

ORAL ORDER

1. **RULE.** Learned APP waives service of Rule on behalf of the respondent-State.

2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being **C.R.No. 11185006230614 of 2023** registered with Okha Marin Police Station, Devbhoomi Dwarka.

3. Learned advocate for the applicant has submitted that the wife of the present applicant is the owner of AMB Pharma, which had manufactured the Ayurvedic Medicines in question. The present applicant was working as In Charge of the said firm and wife of the present applicant was responsible for day to day affairs of AMB Pharma.

3.1 Learned advocate for the applicant has submitted that though the content of alcohol was found beyond permissible limit in the said Ayurvedic Medicine when the samples were examined by the State Laboratory. The said samples were also

examined by the Central Laboratory and the content of alcohol was found in permissible limits in the said Ayurvedic Medicine. He, therefore, submitted to allow the present application and enlarge the present applicant on bail subject to suitable conditions.

4. Learned APP has opposed the present application, inter alia, contending that contents of alcohol were found to be more than permissible limits in the Ayurvedic Medicines, which were marketed by the present applicant. The said medicines containing alcohol more than permissible limits were transported to the State of Gujarat and were being sold in various shops. There is a reason to believe that the said Ayurvedic Medicines were used as liquor by the public at large. He, therefore, submitted to dismiss the present application.

5. Heard learned advocates for the respective parties and perused the material available on record. From the record, it appears that the wife of the present applicant is the owner of AMB Pharma, which had manufactured the Ayurvedic Medicines in question. The present applicant was working as In Charge of the said firm and was responsible for day to day affairs of AMB Pharma. The Ayurvedic Medicines were manufactured by said AMB Pharma which was given loan license by the concerned authorities on the basis of the license

issued for sale of Ayurvedic Medicines to the Herboglobal Pharmaceuticals.

6. The basis for lodging the present FIR appears to be the alcohol content in the said medicines. The samples of the medicines in question were examined by the State Laboratories and the content of alcohol was found in the said medicines beyond permissible limits. The samples of the said medicines were sent to the Central Laboratory at the behest of the present applicant and as per the report submitted by the Central Laboratory, the content of alcohol in the said medicine is much under the permissible limits.

7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of Sanjay Chandra v. Central Bureau of Investigation, reported in [2012]1 SCC 40.

8. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

9. Hence, the present application is allowed. The applicant is are ordered to be released on regular bail in connection with FIR being **C.R.NO. 11185006230614 of 2023 registered with**

Okha Marin Police Station, Devbhoomi Dwarka, 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 trial Court and subject to the conditions that he shall;

- (a) not take undue advantage of liberty or misuse liberty;
- (b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;
- (c) surrender passport, if any, to the Trial Court within a week;
- (d) not leave the State of Gujarat without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;
- (f) furnish the present address of his 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 Trial Court;

10. 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.

11. Bail bond to be executed before the 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.

12. At the trial, the 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.

13. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(M. R. MENGDEY,J)

Manoj Kumar Rai