IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE CHARGESHEET) NO. 25401 of 2025

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KALABHAI @ KIRANBHAI S/O SENDHBHAI DAYAJI THAKOR

Versus

STATE OF GUJARAT

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Appearance:
MR PRAVIN GONDALIYA(1974) for the Applicant(s) No. 1
MR NIRAJ SHARMA, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

Date : 09/12/2025
ORAL ORDER

1. Heard learned advocate Mr.Pravin Gondaliya appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.Niraj Sharma appearing on behalf of the respondent-State.

2. **Rule**. Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11996006251017/2025 registered with Tharad Police Station, Vav-Tharad for the offence punishable under Sections 65(a), 65(e), 116(B), 98(2) and 81 of the Prohibition

Act and Sections 196, 3, 181 of the Motor Vehicle Act.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. Having regard to the fact that the applicant has prayed for grant of regular bail, learned Advocates appearing on behalf of the respective parties do not press for further reasoned order.

7. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

i. The fact of the applicant being present in the car in which the prohibited liquor was being ferried.

ii. The fact that the applicant is neither the owner of the car nor the prohibited liquor in question.

iii. The fact that the applicant is a 20 year old person, without any antecedents, in custody since 09.11.2025.

This Court has 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 in the First Information Report, 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 ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11996006251017/2025 registered with Tharad Police Station, Vav-Tharad, on executing a 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;

[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 Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a week till the charge-sheet is filed and once a month thereafter for a period of six months before the concerned police station.

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 Court concerned will be free to 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 stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

13. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

Bhoomi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHOOMI YOGESHBHAI MISTRY(HC01557), PRIVATE SECRETARY, at High Court of Gujarat on 09/12/2025 14:14:15