

(2024) 05 GUJ CK 0057

In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No.
9550 Of 2024

Gyaneshawr @ Nania Mohan Vadile

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 21-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8(c), 20, 29, 37

Citation : (2024) 05 GUJ CK 0057

Hon'ble Judges : Pranav Trivedi, J

Bench : Single Bench

Advocate : Jaydeep H Sindhi, Jay Mehta

Final Decision : Allowed

Judgement

Pranav Trivedi, J

1. Heard learned counsel for the applicant and learned APP for the Respondent State.

2. This bail application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with an FIR being C.R.No. 11823021220390 of 2022 registered with Sagbara Police Station, Dist. Narmada, for the offence under Sections 8(c), 20 and 29 of the NDPS Act.

3. It is the submissions of learned counsel for the applicant that he is suffering confinement since 19.07.2022. Considering the role of the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP has opposed the bail application contending that considering the conduct of the applicant and nature of accusation, discretion may not be exercised in favour of the applicant.

5. Having heard learned counsel for the respective parties and upon perusal of

the material placed on record, it appears that the co-accused was found with contraband substance ganja weighing 10.250 Kgs. Role qua present applicant is that he is supplier of the contraband. Co-accused who was found with contraband is already released on regular bail. It appears that embargo of Section 37 of the NDPS Act is not applicable to the facts of present case as seized contraband Ganja is found to be intermediate quantity. Chargesheet has already been filed. In such circumstance, when the applicant does not have past antecedent and prosecution has not pointed out that further custody of the applicant is necessary, keeping him behind bar would not serve any fruitful purpose. Hence, without commenting on merits of the case and considering the role attributed to the present applicant, I am inclined to enlarge the applicant on bail.

6. 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. 11823021220390 of 2022 registered with Sagbara Police Station, Dist. Narmada on executing a personal bond of Rs.10,000/- (Rupees Ten thousands only) with one surety of the like amount to the satisfaction of the learned 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 Gujarat without prior permission of the Sessions Judge concerned;

[e] furnish latest 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. Nothing stated hereinabove, shall tantamount to the expression of any opinion on the merits of this case. Rule is made absolute to the aforesaid extent. Direct service is permitted.