

**(2024) 05 GUJ CK 0060**

**In the Gujarat High Court**

**Case No :** R/Criminal Misc.Application (For Regular Bail - Before Chargesheet)  
No. 9670 Of 2024

Rahulbhai Gulabbhai Parmar

APPELLANT

Vs

State Of Gujarat

RESPONDENT

---

**Date of Decision :** 29-05-2024

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439

Gujarat Prohibition Act, 1949 — Section 65(e), 81, 98(2), 116(B)

**Citation :** (2024) 05 GUJ CK 0060

**Hon'ble Judges :** M. K. Thakker, J

**Bench :** Single Bench

**Advocate :** Maulik M Soni, Asmita Patel

**Final Decision :** Allowed

---

## **Judgement**

M. K. Thakker, J

1. Rule. Learned APP Ms. Asmita Patel 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 before filing of the charge-sheet in connection with FIR being 11821014240144 of 2024 registered with Dhanpur Police Station, Dahod for offence under Sections 65(e), 81, 98(2), 116(B) of the Prohibition Act.

3. Learned Advocate Mr.Soni appearing on behalf of the applicant submits that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP Ms.Patel appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

5. Learned Advocates appearing on behalf of the respective parties do not press for further reasoned order.

6. Having heard the learned advocates for the parties and perusing the material placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused as well as on considering the following aspects this Court is inclined to grant regular bail to the applicant.

(a) It is reported by the learned APP that the Investigation is over;

(b) offence is triable by the Magistrate;

(c) applicant is a proposed receiver. One of the co-accused, namely, Satishbhai Amarsinh Damor has been granted anticipatory bail vide order dated 19.03.2024 (Criminal Misc. Application No.5324 of 2024) and other, who was granted regular bail and from his possession muddamal is recovered;

In the facts and circumstances of the present case, this Court is inclined to consider the case of the applicant.

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

8. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being 11821014240144 of 2024 registered with Dhanpur Police Station, 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 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 his passport, if any, to the lower court within a week;

[d] not leave the India without prior permission of the concerned trial court;

[e] mark his presence before the concerned Police Station between 1st to 10th day of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;

[f] furnish the present 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 the concerned trial court;

9. 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 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.

10. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court in the present order.

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