

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 7540 of 2026**

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MOHAMMAD AARIF ABDUL RAZAK SAMOL
Versus
STATE OF GUJARAT

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Appearance:
MR. ALTAF Y CHARKHA(7271) for the Applicant(s) No. 1
MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

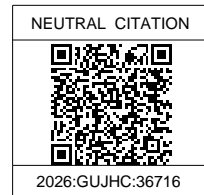
Date : 18/06/2026

ORDER

1. **RULE.** Learned advocates for the respective parties waive service of notice of Rule.

2. The present application is filed under Section 483 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with **FIR being C.R. No.11207002250717 of 2025 registered with Godhra Town B Division Police Sation, Panchmahal**, for offences punishable under sections 5(1), 6(b), 8(2), 8(4) and 10 of the Gujarat Animal Preservation Act, 2011 (Amendemnt Act, 2017) under Section 325 of the BNS and Section 119 of the Gujarat Police Act.

3. Learned advocate for the applicant submitted that the applicant has been in judicial custody since 03.01.2026. It is submitted that the investigation is over, charge-sheet has been filed and nothing remains to be recovered or discovered from the applicant. The trial is likely to take considerable time to conclude. It is also submitted that the applicant has no criminal



antecedents. Therefore, it is prayed that the applicant may be enlarged on regular bail.

4. Learned APP submitted that the present bail application deserves to be rejected. It is contended that the applicant is a habitual offender and has a history of involvement in serious offences. During the raid conducted by the police, 23 kilograms of beef was allegedly recovered from a plastic carry bag kept in a plot adjacent to the applicant's residence. It is further submitted that the applicant has eight criminal antecedents of a similar nature relating to illegal slaughtering activities. According to the prosecution, such continuous illegal activities have the potential to disturb communal harmony and adversely affect the law and order situation in the area. It is also alleged that the applicant had engaged certain persons for the purpose of slaughtering cow progeny. Learned APP further submitted that three co-accused persons fled from the spot during the raid and are yet to be apprehended. In view of the nature and gravity of the allegations, the applicant's antecedents, and the ongoing investigation with respect to the absconding co-accused, it is prayed that the present application be rejected.

5. Having heard the learned advocates for the respective parties and having perused the material placed on record, it appears that on 01.12.2025, the police received specific information that the present applicant was transporting beef in a Swift car bearing Registration No. GJ-05-CF-0771 from an unknown place and had stored the same in a plot situated



adjacent to his residence. It is further alleged that the applicant had engaged certain persons for the purpose of selling the beef. Acting upon the said information, the police conducted a raid at the aforesaid place. Upon noticing the police, the co-accused persons allegedly fled from the spot. During the course of search, the police recovered approximately 23 kilograms of suspected beef packed in plastic carry bags. The muddamal articles recovered from the spot also include a knife, weighing scale and other materials allegedly used for slaughtering and sale of beef. Prima facie, the recovery effected during the raid and the material collected during the course of investigation indicate the involvement of the present applicant in the alleged offence. It also emerges from the record that some of the co-accused persons are yet to be arrested.

6. The record further reveals that the present applicant has as many as eight antecedents of a similar nature registered against him. The antecedents attributed to the applicant are as under:

- (I) *Godhra Town 'B' Division Police Station, Panchmahal, FIR No. 984/2020;*
- (ii) *Godhra Town 'B' Division Police Station, Panchmahal, FIR No. 156/2023;*
- (iii) *Godhra Town 'B' Division Police Station, Panchmahal, FIR No. 668/2023;*
- (iv) *Godhra Town 'B' Division Police Station, Panchmahal, FIR No. 156/2023;*
- (v) *Godhra Town 'B' Division Police Station, Panchmahal, FIR No. 1297/2024;*
- (vi) *Godhra Town 'B' Division Police Station, Panchmahal, FIR No. 668/2023;*



- (vii) *Shahera Police Station, Panchmahal, FIR No. 905/2023;*
and
- (viii) *Godhra Town 'B' Division Police Station, Panchmahal, FIR No. 156/2023.*

7. It is the specific case of the prosecution that despite having been enlarged on bail on previous occasions, the applicant continued to indulge in similar activities, thereby misusing the liberty granted by the Court.

8. It is pertinent to note that Article 48 of the Constitution of India directs the State to take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle. Article 51A(g) of the Constitution casts a fundamental duty upon every citizen to protect and improve the natural environment and to have compassion for living creatures. Though the fundamental duties are not enforceable by themselves, they reflect the constitutional philosophy and legislative intent. Keeping in view the aforesaid constitutional mandate, the legislature has enacted the Gujarat Animal Preservation Act and the Prevention of Cruelty to Animals Act. The statutory scheme under the Gujarat Animal Preservation Act prohibits slaughter of cow progeny and seeks to preserve and protect such animals. Thus, a combined reading of Article 48, Article 51A(g) and the relevant statutory provisions clearly demonstrates the legislative intent to preserve and protect cow progeny and to prohibit their slaughter.

9. Prima facie, the allegations disclose repeated involvement of the applicant in offences relating to illegal slaughter and



transportation of cow progeny. Such activities not only defeat the object and purpose of the legislation but also have the potential to adversely affect public order and communal harmony. The Court cannot be oblivious to the fact that the cow is regarded as sacred and worthy of protection by a substantial section of Indian society, including members of the Hindu and Jain communities. Repeated involvement in offences of the present nature is capable of hurting public sentiments and creating social tension in the locality. The object of the legislation is to preserve and protect cow progeny and, therefore, repeated involvement in such offences after having been enlarged on bail cannot be lightly ignored.

10. Furtehr, in this regard, reference may be made to the decision of the Hon'ble Supreme Court in **Ash Mohammad v. Shiv Raj Singh @ Lalla Babu & Anr., reported in (2012) 9 SCC 446**, wherein it has been observed that individual liberty, though of paramount importance, is not absolute and must be balanced against the larger interest of society. The Court is required to strike a balance between the right to personal liberty of the accused and the societal interest in maintaining public order and enforcing the rule of law.

11. Considering the nature and gravity of the allegations, the recovery effected during the raid, the prima facie material collected during the course of investigation, the fact that certain co-accused persons are yet to be apprehended, the repeated involvement of the applicant in similar offences as reflected from



the antecedents on record, and the allegation that the applicant has indulged in similar activities even after being enlarged on bail on earlier occasions, this Court is not inclined to exercise discretion in favour of the applicant. The antecedents of the applicant indicate a recurring pattern of conduct and, prima facie, demonstrate misuse of the liberty granted by the Court. In the facts of the present case, the societal interest outweighs the claim of the applicant for grant of regular bail.

12. However, it is an admitted position that the charge-sheet has already been filed. The prosecution has cited only 26 witnesses and, as submitted, many of them are official witnesses, panch witnesses or repeated witnesses. Therefore, in order to safeguard the right of the accused to a speedy trial, the Trial Court shall make all possible endeavours to expedite the trial. The prosecution is directed to ensure that the material witnesses are examined at the earliest, keeping in view the observations made by the Hon'ble Supreme Court in **Central Bureau of Investigation (CBI) v. Mir Usman @ Ara @ Mir Usman Ali, Neutral Citation: 2025 INSC 1155**.

13. In view of the aforesaid facts and circumstances, no case is made out for exercising discretion in favour of the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. **The present application, therefore, fails and is accordingly rejected.** Rule is discharged.

ALI

(HASMUKH D. SUTHAR,J)