

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 8904 of 2022**

MAHENDRABHAI MANGLABHAI BODAT
Versus
STATE OF GUJARAT

Appearance:

MR KEVAL G BRAHMBHATT (BAROT)(9900) for the Applicant(s) No. 1
MS KRINA CALLA, APP for the Respondent(s) No. 1

CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 08/06/2022****ORAL ORDER**

1. By way of this application filed under Section 439 of the Code of Criminal Procedure, the applicant seeks regular bail in connection with an **FIR being C.R.No. 11188003220147/2022 registered with Bhiloda Police Station, Dist. Aravalli**, for the offence under Sections 8(c), 20(b) and 29 of the NDPS Act.
2. Learned advocate appearing on behalf of the applicant submits that considering the quantity of prohibited goods, the applicant may be enlarged on regular bail by imposing suitable conditions.
3. Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.
4. Having carefully considered the contents of the FIR and material placed on record, 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 small quantity. The applicant having no any past antecedent of like nature. There is no likelihood of absconding or fleeing from justice.

5. In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, 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. 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. 11188003220147/2022 registered with Bhiloda Police Station, Dist. Aravalli**, 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 the State of Gujarat without prior permission of the Sessions Judge concerned;
- [e] mark presence before the concerned Police Station on alternate Monday for a period of three months only, between 10:00 a.m. and 2:00 p.m.;
- [f] 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;

6. 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. At the trial, learned 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. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

SUCHIT

(ILESH J. VORA,J)

