

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/CRIMINAL MISC.APPLICATION NO. 7238 of 2021**

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VIJAYNATH @ VIJALO MANSUKHNATH GOSAI  
Versus  
STATE OF GUJARAT

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Appearance:

MR. NIPUL H GONDALIA(6894) for the Applicant(s) No. 1

MR JK SHAH, APP for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA**

**Date : 31/05/2021**

**ORAL ORDER**

The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for regular bail in connection with an FIR being C.R.No. 11203068200819 of 2020 registered with Vanthali Police Station, District: Junagadh for the offence punishable under Sections 8(C), 20(B) and 29 of the NDPS Act.

Learned advocate for the applicant submits that considering the nature of allegations, role attributed to the applicant and considering the fact that the charge sheet has been filed against the present applicant before the learned trial Court, the applicant may be enlarged on regular bail by imposing suitable conditions.

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.T

I have heard learned advocates appearing on behalf of the respective parties.

Having gone through the contents of the complaint and submissions made by learned advocate for the applicant as well as learned APP for the respondent-State, it appears that the contraband ganja was delivered to the present applicant by the co-accused and from the statement recorded by the police, applicant was involved in the offence. It appears from the record that looking to the quantity of Ganja, it is less than commercial quantity and the applicant has no other antecedent of similar nature. It also appears that the co-accused of the applicant how had given Ganja to the present applicant and was arrested and alter on released on bail by the learned trial Court. It appears that the bail application of the present applicant was rejected by the learned Sessions Court.

In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, quantum of punishment up to 10 years

under the NDPS Act, charge sheet has been filed against the applicant before the trial Court and quantity of Ganja, I am 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. 11203068200819 of 2020 registered with Vanthali Police Station, District: Junagadh 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 learned Trial Court and subject to the conditions that the applicant 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] furnish latest and permanent 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 learned Sessions Court concerned;

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.

This order be communicated to the applicant through Jail Authorities by the registry as well as learned Sessions Court concerned.

**(B.N. KARIA, J)**

K. S. DARJI