

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 4041 of 2022**

=====

NITIN MUKESH MALI  
Versus  
STATE OF GUJARAT

=====

Appearance:

MR. KISHAN H DAIYA(6929) for the Applicant(s) No. 1

MR PRANAV TRIVEDI APP for the Respondent(s) No. 1

=====

**CORAM:HONOURABLE MS. JUSTICE GITA GOPI**

**Date : 28/02/2022****ORAL ORDER**

1. This application has been filed under section 439 of the Code of Criminal Procedure for regular bail in connection with the FIR No.11822012213141 of 2021 registered with Gandevi Police Station, Navsari for offences punishable under sections 65(A)(E), 116B, 81 and 98(2) of the Prohibition Act and section 185 of the M.V. Act.

2. Learned advocate for the applicant submitted that the liquor to the tune of Rs.4,36,800/- was found from the vehicle. He submits that the applicant was not the owner of the vehicle, from which the prohibited liquor has been seized and the present applicant is merely a driver and has no knowledge about the alleged liquor and as the chargesheet has been filed, he urged that the present application may be allowed and the applicant

herein may be released on regular bail.

3. Mr. Pranav Trivedi, learned Additional Public Prosecutor submitted that, the huge quantity of liquor has been seized from the vehicle and the applicant was found in the alleged offence and therefore, prayed that no discretion may be exercised in favour of the applicant.

4. Heard learned advocates on both the sides and perused the material on record. Considering the facts and circumstances of the case and as the chargesheet has been filed and trial will take its own time to conclude, this Court finds this to be a fit case where discretion could be exercised in favour of the applicant.

5. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR No.11822012213141 of 2021 registered with Gandevi Police Station, Navsari on executing a personal bond of Rs.15,000/- (Rupees Fifteen 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 passport, if any, to the lower court

within a week;

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

[e] **not leave the State of Gujarat without prior permission of the concerned trial court till the conclusion of the trial;**

[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;

6. The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, 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.

7. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

**(GITA GOPI, J.)**

Pankaj