

//ORDER BELOW EXH.29//

1. The present application at Exh.29 is filed by the Investigating Officer seeking cancellation of bail granted to the accused by the Hon'ble High Court of Gujarat in R/CR.MA/5546/2026 under Section 483(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. Upon filing of the present application, this Court had ordered issuance of notice to the accused, his sureties and Learned Special Public Prosecutor. In compliance thereof, notice is duly served. Today, the matter is taken up for hearing. The accused is produced before the Court through police from judicial custody in connection with another offence. The sureties are present before the Court. Heard Learned Assistant Government Pleader for the State, appearing on behalf of the Learned Special Public Prosecutor and Learned Advocate for the accused. Perused the record and proceedings as well as the bail order dated 11/03/2026 passed by the Hon'ble High Court of Gujarat.
3. Learned Assistant Government Pleader, appearing for the Learned Special Public Prosecutor, has submitted that, the accused was released on regular bail subject to specific conditions, including marking presence before the concerned

police station every Tuesday till completion of trial. Despite having knowledge of the said condition, the accused remained absent on 17/03/2026 and 24/03/2026. The breach is deliberate and amounts to misuse of liberty granted by the Hon'ble High Court. It is further submitted that compliance of bail conditions is mandatory, and violation thereof warrants cancellation of bail. Hence, it is prayed that the bail of the accused be cancelled.

4. Learned Advocate for the accused has submitted that, the accused is a farmer and a permanent resident of the local jurisdiction. Due to oversight and personal difficulty, he could not mark presence on the said dates. The breach is neither intentional nor with any mala fide intention. The accused is ready and willing to strictly abide by all conditions in future. Therefore, a lenient view may be taken and the bail may not be cancelled.
5. I have carefully considered the rival submissions and examined the record. It is an undisputed position that, the Hon'ble High Court granted bail with a specific condition to mark presence every Tuesday. The accused, despite having knowledge of the condition imposed by the Hon'ble High Court to mark presence every Tuesday as imposed in the bail order dated 11/03/2026, failed to

remain present on 17/03/2026 and 24/03/2026 as required. The condition to mark presence is not a mere formality but a substantive condition imposed to ensure: (1) availability of the accused during trial, and (2) monitoring of his conduct after release.

6. The explanation offered by the accused is of "oversight" and request for "mercy". However, no supporting material or sufficient cause is placed on record. The breach is on two consecutive occasions. There is no prior intimation to the Investigating Officer or the Court.
7. It is settled that once liberty is granted subject to conditions, strict adherence is expected. Any casual or negligent approach defeats the purpose of imposing such conditions.
8. The conduct of the accused, therefore, clearly amounts to breach of the conditions and misuse of liberty granted by the Hon'ble High Court.
9. This Court is conscious that cancellation of bail is a serious consequence; however, when breach is established and remains unexplained, discretion cannot be exercised in favour of the accused.
10. It is also pertinent that due opportunity of hearing has been afforded to the accused and his sureties pursuant to service of notice, and both are present before the Court. Hence, principles of natural

justice stand duly complied with. Hence, this Court finds sufficient grounds to allow the present application and pass the following order.

//ORDER//

1. The application at Exh.29 is hereby allowed.
2. The bail granted to the accused Vipulbhai Hathibhai Lalu, R/o Rabarika, Taluka Jetpur, District Rajkot, in connection with FIR being C.R. No.11213001250461 of 2025 registered with Virpur Police Station for the offences punishable under Sections 65(a), 65(e), 116-B, 81, 83 and 98(2) of the Gujarat Prohibition Act, by the Hon'ble High Court of Gujarat in R/CR.MA/5546/2026, is hereby cancelled for breach of conditions.
3. The accused, who is present before the Court in judicial custody in connection with another offence, shall be treated as being in judicial custody in the present case also.
4. The sureties are present before the Court and are heard on the question of forfeiture. No sufficient cause is shown despite opportunity for the breach of conditions by the accused. Hence, the bail bonds stand forfeited. The sureties, namely Hathibhai Jivabhai Lalu and Dilipbhai Aapabhai Lalu, both residents of Rabarika, Taluka Jetpur, District Rajkot, are directed to deposit the bond amount of Rs.50,000/- each within a period of 30

days from today, failing which the respective amounts shall be recovered from them in accordance with law.

5. Inform the accused that he is at liberty to seek appropriate remedy before the competent higher court in accordance with law.
6. Jail Authority shall treat this order as production-cum-remand in the present case and act accordingly.
7. Office to communicate this order to the Jail Authority as well as the Investigating Officer and concerned Police Station forthwith for compliance.
8. Office shall make necessary entries regarding custody of the accused in the present case.
9. Direct service permitted.

Pronounced in the open Court today on 30th April, 2026.

Place: Jetpur
Date: 30/04/2026

[Pranav Dilipkumar Modi]
Pr. Sr. Civil Judge & A.C.J.M.,
Jetpur.

Code:GJ01202.