

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 4034 of 2026**

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SAJAN VIRABHAI VASRA AYER

Versus

STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1

MR HARDIK DAVE, PUBLIC PROSECUTOR WITH MR TRUPESH

KATHIRIYA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 05/03/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Virat Popat appearing on behalf of the applicant and learned Public Prosecutor Mr. Hardik Dave with learned Additional Public Prosecutor Mr. Trupesh Kathiriyia appearing on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11995001250005 of 2025 registered with State Monitoring Cell Police Station, Gandhinagar, for the offence punishable under Sections 3(1)(ii), 3(2), 3(4), 3(5) and 23 of the Gujarat Control of Terrorism and Organized Crime Act, 2015 (for short "GUJCTOC Act").

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed, no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Public Prosecutor appearing for the respondent – State has vehemently objected to the grant of regular bail. Learned PP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers.

7. The allegation in the FIR is for commission of offences under the GUJCTOC Act and whereas while various legal submissions have been raised, this Court has considered the following aspects.

- i. The fact of the present applicant being a police official i.e. member of unit named as State Monitoring Cell and the allegation being that

the applicant had allegedly helped the syndicate in bringing prohibited liquor in the State of Gujarat by providing tips etc.

ii. The fact of the allegation, being supported by material only with regard to a single offence.

iii. The fact of the applicant being in custody since 31.10.2025 and the charge-sheet having been laid by the Investigating Officer.

iv. It would be pertinent to mention here that the applicant was not named in the FIR per se and whereas the present applicant was arraigned as an accused in the charge-sheet.

v. The fact of the applicant being suspended, allaying any apprehension that the applicant would be able to influence the investigation.

vi. The fact of the applicant not being removed from the service, allaying any apprehension that the applicant would abscond and not attend the trial.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.**

8. In the facts and circumstances of the case and considering the

nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, 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.

9. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being C.R. No. 11995001250005 of 2025 registered with State Monitoring Cell Police Station, Gandhinagar, on executing a bond of Rs.50,000/- (Rupees Fifty 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 the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a month for a period of six months before the

concerned police station.

10. 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 Court concerned will be free to take appropriate action in the matter.

11. Bail bond to be executed before the 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.

12. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

13. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

BDSONGARA

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHUPENDRASINH DHANESINH SONGARA(HC01082), Private Secretary, at High Court of Gujarat on 06/03/2026 11:05:32