

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 8820
of 2026**

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PIYUSH PRAVINBHAI MOLIYA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR NILESH R KOYANI(5129) for the Applicant(s) No. 1
MR PREMAL R JOSHI(1327) for the Applicant(s) No. 1
MR UTKARSH R SHARMA(6157) for the Respondent(s) No. 2
MS VRUNDA SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 22/07/2026

ORDER

[1.0] When the matter is called out, respondent No.2 remained absent.

[2.0] RULE. Learned APP waives service of rule for the respondent-State.

[3.0] By way of the present application under Section 482 of the BNSS, the applicant accused has prayed to release him on anticipatory bail in the event of his arrest in connection with summons dated 16.01.2026, 22.01.2026 and 05.02.2026, for the offences punishable under Section 132 of the CGST Act, 2017.

[4.0] Learned advocate for the applicant submits that the applicant has nothing to do with the offence and he is falsely implicated in the offence. It is submitted that pursuant to the order dated 29.06.2026 and 09.07.2026, the present applicant appeared before the concerned authority on 15.07.2026 for recording of his statement, which came to be recorded. It is further submitted that the applicant was only issued a notice to remain present before the concerned authority. The applicant has undertaken that, as and when his presence is required by the department, he shall appear pursuant to the notice issued and shall fully cooperate with the investigation. In view of the above, the applicant may be granted anticipatory bail.

[5.0] Learned APP has vehemently opposed the present application and requested to dismiss the present application.

[6.0] Having heard the learned advocate for the parties and perusing the investigation papers, it is equally incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of the Hon'ble Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merit of the case, which may prejudice the accused, should be avoided. I have considered the following aspects :

- (1) Offence is not punishable with life imprisonment or death penalty;
- (2) It appears that, pursuant to the orders dated 29.06.2026 and 09.07.2026, the present applicant appeared before the concerned authority on 15.07.2026 for recording of his statement, which came to be recorded. A notice was issued only directing him to remain present. It was informed that, as and when his presence is required, the department will issue a notice, and upon such notice being issued, the applicant shall join the investigation;
- (3) This Court has considered the nature of allegations as offence is registered under Section 132 of the CGST Act, 2017;
- (4) Applicant is ready and willing to join the investigation;
- (5) No antecedent is reported against the applicant;

- (6) Nothing is required to be recovered and discovered from the accused;
- (7) This Court has considered the quantum of punishment;
- (8) Considering the fact that the offence is punishable upto 5 years;
- (9) case is based on the documentary evidence;

[6.1] Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.** reported in **(2011) 1 SCC 6941**, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of **Shri Gurubaksh Singh Sibbia & Ors.** reported in **(1980) 2 SCC 665** and also the decision in the case of **Sushila Aggarwal v. State (NCT of Delhi)** reported in **(2020) 5 SCC 1**, I am inclined to allow the present application.

[7.0] In the result, the present application is allowed by directing that in the event of **arrest / appearance** of the applicant in connection with summons dated 16.01.2026, 22.01.2026 and 05.02.2026, the applicant shall be released on bail on furnishing a personal bond of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with one surety of like amount on the following conditions that applicant :

- (a) shall cooperate with the investigation and make himself available for interrogation whenever required;
- (b) **shall remain present at the concerned Police Station on 29/07/2026 between 11.00 a.m. and 2.00 p.m. and the IO shall ensure that no unnecessary harassment or inconvenience is caused to the applicant;**
- (c) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (d) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be

collected by the police;

- (e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change his residence till the final disposal of the case till further orders;
- (f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the Trial Court within a week;
- (g) an order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency, to investigate into the charges against the person who seeks and is granted pre-arrest bail;
- (h) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.-

[8.0] At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while enlarging the applicant on bail.

[9.0] Rule is made absolute to the aforesaid extent. Application is disposed of accordingly. Direct service is permitted.

KUMAR ALOK

(HASMUKH D. SUTHAR,J)