

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (POSSESSION OF MUDDAMAL)
NO. 6065 of 2026

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CHAUDHARY KALUBHAI BALVANTBHAI
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR AMIT P PATEL(3498) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2,3

MR SOHAM JOSHI, PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 23/06/2026

ORDER

1. Rule. Learned APP waives service of rule for the Respondent-State. Though served, none appears for Respondent No.2.

2. By way of this petition, the petitioner has prayed for change of condition imposed by the concerned Sessions Court vide order dated 02.04.2026, passed in Criminal Miscellaneous Application No. 76 of 2026, whereby, the muddamal, i.e. Dumper No. GJ-08-AW-9357 and Dumper No. GJ-02-XX-8980, are ordered to be released in favour of the present petitioner, subject to the petitioner furnishing the bank guarantee to the tune of Rs.7,72,573/- as well as security bond and solvent surety to the tune of 1.5 times of the value of the muddamal vehicles.

3. Learned Advocate for the petitioner submitted that the bank guarantee to the tune of Rs.7,72,573/- as well as security bond and solvent surety to the tune of 1.5 times of the value of the muddamal vehicles is a very huge amount and it would not be possible for the petitioner to comply with the said condition. He, therefore, prayed that the petitioner may be permitted to furnish only 'Solvent Surety' instead of bank guarantee.

4. Learned APP prayed that appropriate orders may be passed.

5. Heard, learned Advocates for the parties. Having considered the submission made by the learned advocate for the petitioner, so also considering the averments made in this petition, this petition is partly allowed and the petitioner is permitted to furnish '**Solvent Surety**', instead of bank guarantee, to the tune of 1.5 times of the value of the muddamal vehicles, whereupon, the muddamal vehicles, i.e. Dumper No. GJ-08-AW-9357 and Dumper No. GJ-02-XX-8980, shall be released in favour of the present petitioner. Rest of the order dated 02.04.2026, passed in Criminal Miscellaneous Application No. 76 of 2026, shall remain unaltered. Rule is made absolute, accordingly. Direct service is permitted.

(M. R. MENGDEY,J)

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