

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (POSSESSION OF MUDDAMAL)
NO. 6007 of 2026

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HARIBHAI KHODABHAI SABHAD
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR JAY N SHAH(10668) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2

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 15.04.2026, passed in Criminal Miscellaneous Application No. 329 of 2026, whereby, the muddamal, i.e. Hyundai Smart Plus R215L, having machine Sr. No. HYNDN635TE0069335, is ordered to be released in favour of the present petitioner, subject to the petitioner furnishing bank guarantee to the tune of 1.5 times of the value of the muddamal machine.

3. Learned Advocate for the petitioner submitted that the

bank guarantee to the tune of 1.5 times of the value of the muddamal machine comes to 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 '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 machine, whereupon, the muddamal vehicle shall be released in favour of the present petitioner. Rest of the order dated 15.04.2026, passed in Criminal Miscellaneous Application No. 329 of 2026, shall remain unaltered. Rule is made absolute, accordingly. Direct service is permitted.

UMESH/-

(M. R. MENGDEY,J)