

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (FOR MUDDAMAL) NO. 1717 of
2025**

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NARESHBHAI VIRABHAI VADI

Versus

STATE OF GUJARAT

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Appearance:

MR VISHVAJITSINH D CHAUHAN(10160) for the Applicant(s) No. 1

MR BHARGAV PANDYA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 10/04/2026

ORDER

1. By way of the present application under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant has prayed to quash and set aside the order dated 2.1.2025 passed by the learned Sessions Judge, Special Court, NDPS Act, Ahmedabad in Criminal Misc. Application no. 8594 of 2024 and to permit the applicant to execute solvent surety instead of Bank guarantee equivalent to the amount of vehicle.
2. Learned advocate Mr. Kishan Prajapati for learned Advocate Mr.Vishvajitsinh Chauhan for the applicant submitted that the Special Court, NDPS Act has granted the prayer for handing over the Muddamal Maruti Suzuki Indian Limited Company's Ecco 5 Star S.C. CNG car bearing registration no. GJ-09 - BM-2052, but the given possession has been granted with a condition of executing bank guarantee to the value of the car,

which is shown in the Muddamal Pavti.

- 2.1 Learned Advocate Mr. Prajapati submitted that as per the bank rules for the bank guarantee, the person has to show more than twice the property to the bank and thus, submitted that the order impugned dated 02.01.2025 passed by the Special Court, NDPS has become onerous as the applicant is not in a position to get the vehicle released.
3. Countering the arguments, learned APP Mr. Bhargav Pandya has submitted that the conditions are required to be followed and it has been laid down, having considered the facts and circumstances of the case.
4. The learned Special Court, NDPS has granted the Muddamal for the interim period to the condition laid down which would though be sufficient for ensuring the availability of the vehicle during the trial, but the condition of producing bank guarantee would rather make the order not capable of being executed since the financial condition of the applicant would not be so sound to produce the bank guarantee.
5. Having considered the grounds raised and submissions made, this Court considers that the condition of producing bank guarantee to the value of the vehicle as shown in the Muddamal Pavti requires modification.
6. Thus, the condition of producing bank guarantee is modified by directing the petitioner to produce bond to the value of the vehicle as shown in the Muddamal Pavti.

7. In view of the above, the present application is allowed in the above terms. Direct Service is permitted.

PARMAR KRISH/37

(GITA GOPI,J)