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		0	0	3

**IN THE COURT OF HONORABLE 3RD ADDITIONAL
SESSIONS JUDGE, VALSAD AT : VAPI,
UID CODE No. GJ01595**

CRIMINAL MISC. APPLICATION NO. 130 OF 2026

EXH. _____

RAHUL DILIPSINGH GIRJASINGH

Resident of : Nani Daman, Dunetha
Mahyavanshi Faliya, in the house of Sanjay
Premjivan Rana, Tabe : Daman.
Originally resident of : Village :
Shyampura, Taluka : Khadakpur,
District : Munger, Bihar

.... Applicant.

V E R S U S

THE STATE OF GUJARAT

Through : The learned Public Prosecutor,
Valsad @ Vapi

.... Opponent.

Appearance:

1. Learned Advocate Mr. B. L. Patel, for the applicant.
2. Mr. R. M. Champaneria learned Addl. P. P. for the State.

**REGULAR BAIL APPLICATION
UNDER SECTION 483 OF THE
BHARATIYA NAGARIK SURAKSHA
SANHITA, 2023.**

J U D G M E N T

1. The applicant-accused has presented the application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for enlargement of regular bail. The applicant-accused was arrested on 22.01.2026 in respect to the offenses registered against him before Bhilad Police Station vide FIR No. 11200007260115 of 2026, under Sections 65(A)(E), 81, 98(2) & 116(B) of the Gujarat Prohibition Act.

2. Notice of the present application was issued to the state of Gujarat, who appeared through the learned Public Prosecutor. The learned advocates of both the parties advanced oral argument which has been taken into consideration.

3. As per the prosecution case, the present applicant-accused was carrying the country made prohibited liquor 1596 (321.480 Ltr.) bottles worth of Rs. 4,26,864/- in Hyundai Creta Car No. GJ-15-CG-8007 without any pass or permit and was arrested by the police for the offence punishable under Sections 65(A)(E), 81, 98(2) & 116(B) of the Gujarat Prohibition Act.

4. The learned advocate for the applicant-accused argued that the applicant-accused is innocent and falsely implicated in this case. He further argued that even perusal of the FIR no offence is made out against the applicant-accused. He further argued that the applicant-accused was arrested on 22.01.2026 and produced before the concerned Court on 23.01.2026 and the police custody remand was granted till 27.01.2026 and thereafter, sent to judicial custody and since then

the applicant-accused is in custody. He further argued that the investigation of the present applicant-accused is over and the applicant-accused has co-operated in the investigation and there is no further need of custodial interrogation of the applicant-accused is required. He further argued that the applicant-accused is having no criminal antecedents. He further argued that the muddamal has already seized by the police from the vehicle on the spot and therefore, there is no question of any recovery or discovery. He further argued that the applicant-accused is the permanent resident stated in the title and will not flee away. He further argued that the applicant-accused is the sole bread winner of his family. He will co-operate in investigation and is ready to abide by all conditions imposed by this Hon'ble Court and accordingly, the learned advocate has prayed for regular bail.

5. Per contra, learned Public Prosecutor for the State vehemently opposed the bail application and submitted that there is strong prima facie case is made out against the present applicant-accused. He further argued that the prohibited liquor worth Rs. 4,26,864/- has been recovered from the possession of the present applicant-accused. He further argued that the investigation is pending and wanted accused is yet to be arrested. He further argued that the present applicant-accused is not local resident of Valsad. He further argued that there is a strong prima facie case is made out against the applicant-accused in this case and therefore, if the applicant-accused is enlarged on regular bail then he will flee away and will not be available at trial and prayed for dismissal of regular bail.

6. Heard the learned Advocate of the applicant-accused and learned APP. Taken into consideration the FIR, police papers and affidavit produced by the investigating officer, on perusal of which it transpires the muddamal of prohibited liquor worth of Rs. 4,26,864/- has been recovered from the conscious possession of the present applicant-accused. It also transpires that the applicant-accused has no criminal antecedents as per the affidavit of I.O. This Court observed that the muddamal has been already seized from the spot. The applicant-accused is in judicial custody since 22.01.2026. The applicant-accused is the permanent resident stated in the title and bread winner of his family. The investigation is pending. The applicant-accused is ready to abide by all the conditions imposed by this Court. This court observes that the offences are triable by the Magistrate and trial will take long time. It was held by the Apex Court in case of **Sanjay Chandra v. Central Bureau of Investigation AIR 2012 SC 830-** that "bail is the rule and committal to jail is an exception". Further, refusal of bail is a restriction on the personal of individual guaranteed under Article 21 of Constitution of India. Thus, seeing the quantum of sentence accused is likely to face, gravity of the offence, the liberty of an individual being involved, the fact that the trial of the case will take long time and this court is of the considered opinion that the applicant-accused is entitled for concession of regular bail in this case. Therefore, this court passes the following order:

:: O R D E R ::

1. The application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby **allowed**.

2. The applicant-accused namely **RAHUL DILIPSINGH GIRJASINGH** is hereby ordered to be enlarged on regular bail in connection with the FIR No. 11200007260115 of 2026, under Sections 65(A)(E), 81, 98(2) & 116(B) of the Gujarat Prohibition Act., registered at Bhilad Police Station, on furnishing personal bond of sum of **Rs. 35,000/- (Rupees Thirty Five Thousand)** with one surety of the like amount before the competent Court.
3. The observations recorded by this Court, in this order, shall not affect the merit of the case.

CONDITIONS :-

1. appear before investigating officer as and when required and to co-operate him in investigation;
2. remain present during the judicial proceedings against him on each occasion before the Court without fail;
3. not take undue advantage of his liberty or abuse his liberty and must not involve in any offence;
4. not to act in a manner injurious to the interest of the prosecution;
5. not to leave the India without prior permission of the concerned Court where the Judicial Proceedings is pending.
6. not tamper with evidence or influence the witnesses concerned;
7. furnish the address of his residence along-with proof of the same to Investigating Officer and also to the Court where the judicial proceedings is pending within three days of being release and shall not change the address without prior intimation of new address to concerned Court where the judicial proceedings is pending.

8. Surrender passport, if any, before the Court where the Judicial Proceedings is pending within three days of release and if not having passport, the appropriate affidavit must be filed to the Court where the Judicial Proceedings is pending.
9. Copy of the order to be furnished in the Court where the Judicial Proceedings is pending for the said offence and in the concerned police station.
 - Bail is to be given before the concerned Court where judicial proceedings is pending.
 - Yadi be sent as per procedure.

Pronounced in the open Court today i.e. **31st January, 2026.**

Place : Vapi
Date : 31.01.2026

[Pushpa Shankerlal Saini]
3rd Additional Sessions Judge,
Valsad @ Vapi
(UID Code No. GJ01595)