

<b>Filed on :</b>	28/02/2026		
<b>Registered on:</b>	28/02/2026		
<b>Decided on :</b>	16/03/2026		
<b>Duration :</b>	<b>Yrs</b>	<b>Mts</b>	<b>Dys</b>
<b>Exhibit :</b>			

**IN THE COURT OF 4TH ADDITIONAL SESSIONS JUDGE  
AHMEDABAD (RURAL) AT NAVRANGPURA**

**CRIMINAL REVISION APPLICATION NO. 56 OF 2026**

**Appellant:**

**Shahamdar Imtiyazsha Abdulsha**

Aged: 49 Years, Occupation: Service,

Residing at: 23, Azim Park Part 2, Near Ayesh Masjid,

Vejalpur, Ahmedabad.

**VERSUS**

**Respondent:**

**State of Gujarat**

**Appearance:**

Mr. M. M. Shaikh : Learned Advocate for appellant.

Mr. P. M.Trivedi : Learned APP for State.

**J U D G M E N T**

1. The present Criminal Revision Application has been filed by the appellant-revisionist against the order dated 09.02.2026 passed by the Ld. 4<sup>th</sup> Additional Judicial Magistrate First Class, Ahmedabad [Rural] in Criminal Misc. Application No.628 of 2026 (hereinafter referred to as "the impugned order"), by which, the Ld. Trial Court has partly allowed the application preferred by the appellant-revisionist and released

one Mobile Phone, however, the Ld. Trial Court refused to release **Maruti Swift Car** bearing registration no.**GJ-01-WC-3178** (for short “vehicle”); **Cash** amounting to **Rs.35,650/-** (for short “cash”) and one Mobile Phone manufactured by **Vivo Company** having Model No.**Y73** (for short “mobile phone”) that were seized in connection with FIR registered with **Vejalpur Police Station** vide **C.R.No.11191028250836/2025** for the offences punishable under **Sections 65(a), 65(e), 81, 98 and 116(B)** of the **Prohibition Act**.

2. Ld. Advocate for the appellant has submitted that the impugned order passed by the Ld. Trial Court is illegal, perverse, arbitrary and against the settled principles of law. It has been further submitted that the above-referred muddamal articles have been recovered from the appellant, which is reflected in the FIR. It has been further submitted that if the muddamal vehicle and mobile phone are kept in the police station for a long period than condition of the muddamal articles would deteriorate and the same would not be left fit to be used. It has been further submitted that if the muddamal articles are not released, the appellant may suffer monetary loss. It has been further submitted that the appellant will abide by all the conditions imposed upon him. With these submissions he has prayed that the present revision application may be allowed.
3. Ld. APP for the State has vehemently opposed the present application and submitted that the impugned order passed by the Ld. Trial Court is just, legal and proper. He has further

submitted that the muddamal vehicle and mobile phone were used for transporting prohibited liquor and further, cash was derived through selling of prohibited liquor and, therefore, the Ld. Trial Court has rightly rejected the application preferred by the appellant. With these submissions, he has prayed that the present application may be rejected.

4. I have heard the Ld. Advocates for the parties and has perused the entire case as well as judgments relied upon by the Ld. Advocate for the appellant. Upon perusal of entire record, following points emerge for determination of the present application:

- (1) Whether the impugned order dated 09.02.2026 passed by the Ld. 4<sup>th</sup> Judicial Magistrate First Class, Ahmedabad [Rural] in Criminal Misc. Application No. 628 of 2026 is illegal, perverse, arbitrary and against the settled principles of law?
- (2) Whether the interference in the impugned order is required by this Court?
- (3) What order?

5. My findings to the aforesaid points are as under:

- (1) In Affirmative.
- (2) In Affirmative.
- (3) As per final order.

### **REASONS**

#### **Points Nos.(1) & (2)**

6. As the points no.1 & 2 are interconnected and interwoven, hence, to avoid repetition, reasons for both are taken together

herein.

7. Perusal of record transpires that the appellant is arrayed as an accused in the above-referred FIR. Further, upon going through the recitals of the FIR, it transpires that on the basis of secret information, the police conducted raid and during such raid, 19 bottles of Indian Made Foreign Liquor amounting to Rs.24,800/- were seized and recovered. Further, during personal search of the appellant, mobile phones i.e. Vivo Y 21G and Vivo Y 7373; Swift Car and Rs.35,650/- were seized and recovered. So far as the factual aspects of the present case are concerned, the quantity of the liquor is less than 20 Ltrs. Ld. APP has submitted that the cash recovered from the present appellant is derived through illegal transaction of prohibited liquor. However, whether the cash amount recovered during the personal search and upon disclosure of the accused person are derived through selling of illegal prohibited liquor, or not, is a subject matter of trial and the same cannot be decided at this stage. Till date no one has come forward to claim the custody of the muddamal cash or mobile phone recovered during the investigation of the present offence. Moreover, the original owner of Car has also tendered an affidavit declaring that he has '*No Objection*' if the custody of muddamal car is handed over to the appellant.
8. In light of the aforesaid observation of Hon'ble Supreme Court of India in the case of **Sundarbhai Ambalal Dasai Vs. State of Gujarat, AIR 2003 SC 638**, this Court is of the opinion that if the muddamal articles are kept in the police station for long, it would not serve any interest either of the

prosecution or the defence or any stakeholder. There is nothing on record to show that the vehicle in question had been seized under any other offence except the present one. Moreover, producing the muddamal at the time of trial could be secured by imposing necessary condition and taking adequate surety from the complainant regarding this. Hence, the points for determination nos.(1) and (2) are answered in favour of appellant and for point for determination no.(3), following order is passed in the interest of justice:

### **ORDER**

- 1) The present is hereby **allowed**.
- 2) The interim custody of Muddamal Articles i.e. **Maruti Swift Car** bearing registration no.**GJ-01-WC-3178**; **Cash** amounting to **Rs.35,650/-** and Mobile Phone manufactured by **Vivo Company** having Model No.**Y73** that were seized in connection with FIR registered with **Vejalpur Police Station** vide **C.R.No.11191028250836/2025** for the offences punishable under **Sections 65(a), 65(e), 81, 98 and 116(B)** of the **Prohibition Act**, be handed over to the appellant-**Shahamdar Imtiyazsha Abdulsha** after proper verification of the original documents of the muddamal articles regarding ownership of the appellant and on executing personal bond of one and a half amount of the value of each muddamal articles to the satisfaction of the I.O. and after taking necessary photographs of the muddamal articles and preparing Panchnama, on the following conditions that;
  - The appellant will have to produce the muddamal car and mobile phone during the trial whenever required,

and the appellant will not use the muddamal car and mobile phone in any illegal activity in any manner.

- The appellant shall not change the physical condition of car and mobile phone, except carrying out the necessary repairs as and when required.
  - The appellant shall neither transfer nor alienate the car and mobile phone by any mode of convenience to any third party during the pending trial in connection with which, the said muddamals have been seized.
  - The appellant shall give an undertaking on oath before the Ld. Trial Court and the concerned police station, that, he would abide by all the conditions and the said car and mobile phone shall not be used to facilitate any crime/s.
- 3) The Investigating Officer while handing over the Muddamal vehicle shall scrupulously follow the guidelines mentioned in the case of Sunderbhai Ambalal Desai V/s. State of Gujarat - AIR(2003) SC 638.
  - 4) Copy of the Panchnama and Photographs be placed in the record of the present case.
  - 5) The impugned order dated 09.02.2026 passed by the Ld. 4<sup>th</sup> Judicial Magistrate First Class, Ahmedabad [Rural] in Criminal Misc. Application No.628 of 2026 is hereby modified to the aforesaid extent.
  - 6) Yadi be issued to the concerned Ld. Trial Court as well as concerned police station.

Pronounced in the open Court today on this 16<sup>th</sup> Day of March, 2026.

Date : 16.03.2026  
Place: Ahmedabad

**[Dipen Dilipkumar Buddhdev]**  
4<sup>th</sup> Additional Sessions Judge,  
Ahmedabad (Rural) at Navrangpura.  
UIC No.GJ00612.