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Decided on : 13.03.2026  
Duration: DD MM YY  
**08 - 00 - 00**

**IN THE COURT OF 10TH ADDITIONAL SESSIONS  
JUDGE, AHMEDABAD [RURAL] @ AHMEDABAD.**

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**Criminal Misc. Application No. 674 of 2026**  
=====

EXH.NO -

**Applicant. : Shakib Mohammad S/o. Mohammad  
Yasin**  
Age : 31 years.  
Resi. at : House/Building/Apartment  
No.528/29, Behind Charak Chataravas,  
Girava, Udaipur, Udaipur Shastri Circle,  
Rajasthan.

**Vs.**

**Opponent. : The state of Gujarat.**

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**Application seeking to enlarge on Anticipatory bail  
under Section 482 of the B.N.S.S**  
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**APPEARANCE:**

Ld. Advocate for the applicant. : Mr. K. P. Parekh.  
Learned P.P. for the State. : Mr. P. M. Trivedi.

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

[1] This application is filed by the applicant under Section 482  
of B.N.S.S. seeking Anticipatory bail in connection with

F.I.R. registered as **C.R.No.11191044250337/2025** with **Ghatlodiya Police Station, Ahmedabad** for the offence punishable under Sections **65(a), 65(e), 116(b), 81, 83, 98(2)** of the Gujarat Prohibition Act.

- [2] Learned Advocate for the applicant has submitted that the entire allegations as mentioned in the FIR are false and concocted; that none of the penal sections mentioned in the instant FIR are made-out even if the entire allegations as contained in the FIR are taken to be as true and correct against the present applicant. It is further submitted that the muddamal was not recovered from the present applicant-accused nor he was present at the place of occurrence. It is further submitted that the present applicant-accused is falsely implicated only on the basis of disclosure statement of the co-accused person. It is further submitted that muddamal liquor has already been seized and recovered and the same is lying in the custody of the police and nothing more is required to be recovered or discovered from or at the behest of the present applicant. It is further submitted that investigation qua the co-accused persons has been completed and charge-sheet has already been submitted against them. It is further argued that considering the role of co-accused – Alok S/o. Gopalbhai Ramswarup Garg, Jagdish @ JP Ruplal Sevak, Kinnar Bharatkumar Modi and Priyank Hasmukhbhai Patel were already ordered to be released on regular bail by this Court as well as by the Hon'ble High Court of Gujarat, therefore, this application of

similar situated applicant may also be allowed on the ground of parity. Further, the applicant is having responsibility to maintain his family. He has further submitted that no prima-facie case as alleged in the FIR is made-out against the present applicant and the allegations as narrated in the FIR are quite vague and wholly insufficient to hold the charge. The alleged offences are triable by the court of Ld. Magistrate and maximum punishment prescribed for the offence is not of death penalty or life imprisonment. It is further stated that the applicant will be easily available at the time of trial and he is ready and willing to co-operate in the investigation and to abide by any of the conditions which may be imposed while enlarging him on bail. Accordingly, this application may kindly be allowed.

- [3] On the other hand, learned P.P. appearing for the opponent-State has opposed the bail application and as per the averments of the affidavit filed by the IO, further submits that apparently the present applicant is involved in the illegal activities of prohibited liquor and the quantity of seized liquor is very huge and 300 bottles of Indian Made Foreign Liquor amounting to Rs.9,27,000/- without any pass and permit. Therefore, the present applicant is actively involved in the present case. It is also submitted that the present applicant-accused is evading his arrest since long and he is not cooperating in the investigation. Further, it is stated that investigation qua present applicant is still

continue in this matter and therefore if the applicant is released on bail it will certainly affect the further investigation. Therefore, he has prayed to reject this anticipatory bail application.

- [4] Having heard the Ld. advocates appearing for the parties and having gone through the material on record, the question that falls for my consideration is whether any case for grant of anticipatory bail has been made out by the applicant or not.
- [5] From the perusal of the record, police papers and affidavit filed by the Investigating Officer, it appears that the present applicant is involved in the illegal activities of selling/trading of prohibited liquor and 300 bottles of Indian made foreign liquor worth of Rs.9,27,000/- were seized and recovered by the police. As per the case of the prosecution, the present applicant-accused and other co-accused person had procured muddamal liquor from Haryana and thereafter, sent the prohibited liquor in Gujarat for the purpose of selling/trading the muddamal liquor. Apart from this on perusal of the affidavit, it appears that in this case investigation qua the present applicant-accused is still going on as the present applicant-accused is evading his arrest since long. Further, considering the role attributed to the applicant and nature of allegation made against the applicant, the custodial interrogation of the applicant may also be require for the purpose of proper and effective investigation.

[6] Further, considering the Judgment of Hon'ble Supreme Court in the case of "**Siddharam Satlingappa Mhetre Vs. State of Maharashtra**" reported in 2010 (0) AIJEL 49182, wherein the Hon'ble Apex Court has laid down certain factors and parameters to be taken into consideration while dealing with the anticipatory bail. Wherein one of the parameter is to consider that no prejudice should be caused to the free, fair and full investigation. Further, Hon'ble High Court of Gujarat in case of "**State of Gujarat Vs. Jigneshkumar Maheshbhai Patel**" reported in 2018 (0) AIJEL-HC-239084, has held that ;

*16. The presumption of innocence, by itself, cannot be the sole consideration for grant of bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for bail. The salutary rule is to balance the cause of the criminal defendant and the cause of public justice. Over solicitous homage to the criminal defendant's liberty can, sometimes, defeat the cause of public justice. Over a period of time, a feeling seems to exist in some quarters that the object of criminal law is to protect the rights of the accused and that the criminal justicing system is envisioned as a sentinel of the rights of the accused. It is not so. The law is the sentinel of rights of the society and of the individual. The rights of the criminal defendant will be as zealously guarded, as the cause of public justice. Pre-trial detention in itself is not an evil, nor opposed to the basic presumption of innocence. If liberty is to be denied to an accused to ensure maintenance of law and order and public health, then the courts should not hesitate in denying such liberty. Ensuring security and order including public health is a permissible non-punitive objective, which can be achieved by pre-trial detention. Where overwhelming considerations in the nature aforesaid require denial of bail, it has to be denied."*

[7] Although the co-accused is released on bail by this Court and Hon'ble High Court, yet, looking to the affidavit filed by the IO, it appears that the applicant is absconding since

the day of offence and that the crime appears to have been controlled from outside the State of Gujarat and, therefore, thorough investigation is required in this matter. Therefore, the present applicant is not entitled for benefit of parity. Therefore, considering the over all facts and circumstances of this case and the ratio laid down by the Hon'ble Apex Court and Hon'ble High Court in this regard, this court is not inclined to exercise its discretion of anticipatory bail in favour of the accused. Hence, without commenting anything further on the merits, present application deserves to be dismissed. Accordingly, following final order is passed in the interest of justice.

**-: O R D E R :-**

(1) The present application for anticipatory bail under Section 482 of B.N.S.S is hereby **dismissed**.

Copy of this order with Yadi be sent to **the concerned Police Station**.

Pronounced today in open Court on this 13<sup>th</sup> day of March, 2026.

Date : 13.03.2026.  
Place: Ahmedabad.

**[Hardik R Shah]**  
10<sup>th</sup> Additional Sessions Judge,  
Ahmedabad (Rural)  
(Judge Code No.GJ00851)