

Registered on	06.03.2026
Decided on	09.04.2026
Duration	<u>Y</u> <u>M</u> <u>D</u> 0 0 34

**IN THE COURT OF 6TH ADDITIONAL SESSIONS JUDGE
AHMEDABAD [RURAL] @ VIRAMGAM.**

Criminal Misc. Application No.82 OF 2026

Exh. _____

Applicant :

Pratapsinh Bhakharsinh Rajput

Age : 43 years, Occup.: Agriculturist

R/o.: Dipsinh Ki Dhani, Badmer,

Agor, Rajasthan

Vs.

Opponents :

The State of Gujarat

Appearance:-

Mr. V. R. Solanki, learned Advocate for the applicant.

Mr. H. R. Solanki, learned APP for the Opponent – State.

Application for Anticipatory bail Under Sec. 482 of

Bhartiya Nagarik Suraksha Sanhita

J U D G M E N T

1. Read the present anticipatory bail application. It is apprehended by the applicant that he may be arrested for the offence punishable under Sec.65(A)(E), 116(B), 98(2), 81 of Prohibition Act which is registered vide C.R. No.11192017250310/2025 with Detroj Police Station. Therefore, present application has been preferred Sec.482 of

Bhartiya Nagarik Suraksha Sanhita to issue necessary directions to the investigating officer to release the applicant on bail in the event of apprehended arrest.

2. The Ld. Advocate for the applicant has argued that applicant is apprehending his arrest in the offence hence, the present application is filed for anticipatory bail. He has argued that the present applicant is innocent and falsely implicated in the offence. The complainant has filed false complainant. It is submitted that the offence is triable by JMFC. If, the present applicant is not released on bail then he would suffer pretrial conviction. It is further submitted that name of the applicant is not mentioned in FIR. Further, he argued that he is the only bread earner in his family. The applicant is ready to abide the conditions which may impose by the Hon'ble Court, hence he request to release him on bail.
3. In pursuance of the notice, Learned APP Shri H.R. Solanki has opposed this application and argued that the applicant/accused is involved in the serious offence. He further submitted that police has seized total muddamal liquor worth Rs.1,38,230/- from the vehicle. The present applicant has helped co-accused for supply of muddamal liquor. The name of the applicant is came on record by the statement of co-accused. Further, the investigation is over against co-accused and charge-sheet has been filed. The present applicant is absconding thus, the investigation is pending for the part of

applicant. There is prima-facie involvement of the applicant in the offence. He has further submitted that the applicant has played an active role in commission of offence. The offence is serious in nature. The custodial interrogation of the present applicant is essential. Thus, if applicant is granted bail then he may flee away and there are possibilities that he will engage himself in similar type of crime again. Therefore, the Learned A.P.P. has prayed to reject present application.

4. Considered the bail application and also considered the following points :
 - (a) This is anticipatory bail application filed by the applicant before this court.
 - (b) The applicant is charged for the offence punishable under Sec.65(A)(E), 116(B), 98(2), 81 of Prohibition Act.
 - (c) As per the affidavit of IO, the applicant has helped the co-accused for supplying of the muddamal liquor.
 - (d) As per the affidavit of I.O., the investigation is over and charge-sheet has been filed against the co-accused. The name of the applicant is came on record by the statement of co-accused.
 - (e) As per the affidavit of I.O., The present applicant is absconding thus, the investigation is pending for the part of applicant. Therefore, to know the roots of the liquor transportation, the custodial interrogation of the present applicant is essential.

- (f) From the affidavit of I.O. and from the papers on record the prima-facie involvement of the present applicant/accused in the alleged offence is appeared.
- (g) As far as the considerations for the anticipatory bail is concerned, at present there is no evidence of innocence of the applicant. The Hon'ble Gujarat High Court in case of Lalit Amritraj Chowdhary – Appellant Vs. State of Gujarat as reported in 2018 1 GLR 72; 2017 0 Supreme(Guj) 538, applies in which in Para no. 6.2, following principles laid down by Hon'ble Supreme Court have been dealt with:

6.2 The principles laid down in Siddhram Stalingappa Mhetre (supra) came to be relied on by the Supreme Court in Jai Prakash Singh v. State of Bihar (2012) 4 SCC 379] and it was observed by the Supreme Court as under.

*Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. **Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enrobed in the crime** and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434], State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213] and Union of India v. Padam Narain Aggarwal (2008) 13 SCC 305]."*

In this matter also there is nothing on record to show that the applicant has been falsely implicated in the crime.

In view of the above facts which have been reflected from the case papers, affidavit of I.O., conduct of the applicant and looking to the prima facie case against the applicant/accused, investigation is going on and is at crucial stage as well as the name of the applicant is mentioned in FIR, I am of the view that the present applicant/accused is not entitled to anticipatory bail and accordingly, I pass following order:

ORDER

This application U/s.482 Of BNSS of the applicant - **Pratapsinh Bhakharsinh Rajput** is hereby rejected.

Signed and pronounced in the open Court on 9th day of April, 2026.

Date : 09/04/2026
Place : Viramgam.

[H. A. Upadhyay]
6th Additional Sessions Judge,
Ahmedabad [Rural] at Viramgam.
[UIC No. GJ00635]