

RECEIVED ON: 11.03.2026  
 REGISTERED ON:11.03.2026  
 DECIDED ON : 17.03.2026  
 DURATION : 06 00 00  
 DAYS MONTHS YEAR

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**IN THE COURT OF HON'BLE PRINCIPAL DISTRICT  
 & SESSIONS JUDGE, DISTRICT ARVALLI AT  
 MODASA.**

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***Criminal Misc.Appli.No.355 of 2026  
 Exh.***

**APPLICANT/ACCUSED:**

Jujarbai Bhembhai Khant

Adult, Occupation : -

Residence : Gugli Vistar, Malpur, Tal. Malpur, Dist.Arvali.

**VERSUS**

**OPPONENT/RESPONDENT:**

The state of Gujarat,

The Notice be serve to the Ld.P.P, Modasa.

**APPEARANCES:**

1. MR.M.I.MAKRANI, LD. ADVOCATE FOR THE APPLICANT.
2. MR.D.S.PATEL, Ld.P.P. FOR THE STATE.

**REGULAR BAIL APPLICATION FILED UNDER  
 SECTION 483 OF BHARATIYA NAGRIK  
 SURAKSHA SANHITA(BNSS).**

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

- 1 The applicant has filed this application under Section 483 of the BNSS-2023, seeking regular bail in connection with Part-C CR.No.0017 of 2026, registered with Malpur Police Station for the offences punishable under Sections 65(a,e) of the Prohibition Act.
- 2 The case of the prosecution, in nutshell, is that the accused/applicant had kept about 120 liter prohibited country-

made liquor, worth of Rs.24000/- near his house with intention to sell it and ran away while interception.

- 3 The Notice was issued to other side. Ld.P.P., representing the State, has appeared before the Court and filed affidavit of Investigating Officer vide Ex.6 to resist the present application.
- 4 I have heard Ld.advocate for the applicant/accused and also heard Ld.P.P appeared on behalf of the state.
- 5 Ld.advocate for the applicant/accused has vehemently argued that, the applicant is innocent person and he is falsely implicated in the alleged case. It is further submitted that, nothing has been recovered from possession of the present applicant/accused. It is further submitted by way of labour he is maintaining his family and if he will be kept in jail, his family will suffer a lot hardships. It is submitted that the applicant is residing at the address mentioned in the cause title of this application so, he will not run away from the trial. It is submitted that the applicant is ready and willing to abide by any conditions to be imposed upon him. Therefore, the application is requested to be granted.
- 6 Whereas Ld.PP has opposed this application and submitted that the applicant/accused alleged to have kept about 120 liter prohibited country-made liquor, worth of Rs.24000/- near his house with intention to sell it and ran away while interception and committed offence. It is further submitted that, on perusal of the Police papers, it reveals that the applicant has criminal antecedent as other similar offence is registered against him. Therefore, considering the stringent provisions introduced in

the Prohibition Act and also the criminal antecedents of the applicants/accused, the present application for bail, deserves to be rejected.

- 7 I have gone through the application, FIR lodged for this offence and all the investigation papers and affidavit sworn by concerned Investigation Officer.
- 8 I have heard the Ld. Advocates for the respective parties. I have perused the relevant case papers and the affidavit Exh.6, filed by the investigating officer. It is alleged in the FIR that the accused/applicant without a pass and permit had kept about 120 liter prohibited country-made liquor, worth of Rs.24000/- near his house with intention to sell it and ran away while interception and committed alleged offence. The allegations made in F.I.R are punishable upto imprisonment which may extend upto 10 years. This make the entire scenario different as charge upon the applicant is not of the nature so as to inflict punishment of life imprisonment or death penalty. It is submitted by the Ld.PP that such type of offence has been registered by the police against the present applicant/accused. But It is equally true that, from the record, it does not transpires that any of the police case is proved against the applicant/accused. Further the offence alleged against the applicant/accused is triable by Magisterial Court and considering the pendency before the concerned Magisterial Court, there is not likelihood of commencement and conclusion of trial within near future and therefore, refusal of bail will amount to pre-

trial conviction. In view of the aforesaid facts and circumstances, I pass the following order.

**: ORDER :**

- 1 The Application under Section 483 of the Bharatiya Nagrik Suraksha Sanhita (BNSS), filed by the applicant is hereby stands allowed and ordered to be released on bail with following conditions:-

**CONDITIONS :-**

- 1] The applicant shall furnish a bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with his recent self-attested Photograph and one surety to the satisfaction of the concerned trial Court;
- 2] The applicant shall not take undue advantage of his liberty or abuse his liberty;
- 3] The applicant shall not act in a manner injuries to the interest of the prosecution;
- 4] The applicant shall furnish the UID Aadhar details, mobile numbers, address of residence along with residence proof to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of the Court;
- 5] The applicant shall not temper with the evidence and not make any hurdle in trial proceeding;
- 6] The applicant shall surrender his passport, if any, in the concerned Court within a week otherwise file an affidavit on this effect.

7] The applicant shall not leave the State of Gujarat without the prior permission of this Court.

Signed and Pronounced in the open Court on this 17<sup>th</sup>  
day of March, 2026.

DATE: 17/03/2026  
PLACE: MODASA

**(Mrs.Asha Nileshkumar Anjaria)**

Sessions Judge  
Arvalli at Modasa  
CODE NO.GJ00348

MMK