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DURATION : 06 00 00
DAYS MONTHS YEAR

**COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
DISTRICT ARVALLI AT MODASA.**

Criminal Misc.Appli.No.717 of 2026
Exh.

APPLICANT/ACCUSED:

Kalpeshbhai S/o Ashokbhai Damor
Adult, Occupation : Agriculture
Residence : Kathvath, Tal.Shamlaji, Dist.Arvalli.

VERSUS

OPPONENT/RESPONDENT:

The state of Gujarat,
The Notice be serve to the Ld.P.P, Modasa.

APPEARANCES:

1. MR.B.M.KHANT, LD. ADVOCATE FOR THE APPLICANT.
2. MR.T.K.RATHOD, Ld.Ad.P.P. FOR THE STATE.

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

JUDGMENT

- 1 The applicant has filed this application under Section 483 of the BNSS, seeking regular bail in connection with part-C CR.No.0092 of 2026, registered with Shamlaji Police Station for the offences punishable under Section 65(a,e),81 of the Prohibition Act, u/s 336(2,3), 340(2) of the BNS.
- 2 The Notice was issued to other side. Ld.Ad.P.P., representing the State, has appeared before the Court and filed affidavit of

Investigating Officer vide Ex.6 and resist the present application.

- 3 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, applicant/accused is not name in the FIR and nothing has been recovered from possession of the present applicant/accused. It is further submitted by way of agriculture 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.
- 4 Ld.Ad.PP has opposed this application and submitted that the accused had carrying about 522 bottles/tins of prohibited Indian-made foreign liquor/bear total worth of Rs.3,38,010/-, in his car with intention to sell it and caught while interception whereas present applicant/accused alleged to have been on his motorcycle and piloting the said car. 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.

- 5 I have heard the Ld.advocates for the respective parties, gone through all the investigation papers and affidavit Ex.6 sworn by concerned Investigation Officer. It is appears from the record, that earlier the present applicant/accused has filed anticipatory bail application being Cr.M.A.No.386 of 2026 and same was rejected by predecessor on the ground that investigation was going on. But now accused/applicant is arrested and it appears from the police papers that investigation is over qua the present applicant. The Ld.PP apprehended that the present applicant/accused has criminal antecedent as other similar offence is registered against him and he would not be available during trial if released on regular bail. Keeping in mind the apprehension of Ld.Ad.PP, it is necessary to impose some strict conditions on the accused so as to secure his presence during the trial. Considering role attributed and above, discussion and the ratio laid down by the Hon'ble Apex Court in the case of Sanjay Chandra Vs CBI, reported in the (2012) S.C.C 40 and in the case of Satindar Kumar Antil Vs. CBI reported in (2012) 1 S.C.C 51, and also considering the fact that applicant/accused is in judicial custody since 7/06/2026, I passed following final 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.50,000/- (Rupees Fifty 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 injurious 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 India without prior permission of this Court.

Signed and Pronounced in the open Court on this 17th
day of June, 2026.

DATE: 17/06/2026

PLACE: MODASA

(Rajkumar Ramsinh Chaudhary)

Sessions Judge

Arvalli at Modasa

CODE NO.GJ01512

MMK