

Received on : 17.06.2026
Registered on : 17.06.2026
Decided on : 23.06.2026
Duration : 6 Days

COURT OF SESSIONS JUDGE,
DISTRICT ARVALLI AT MODASA

Criminal Miscellaneous Application No. 739 of 2026
Exhibit-

APPLICANT-ACCUSED :-

Bharatkumar Kaluram Ninama

Age : approx. 28 years, Occupation : Driving

R/o : Kanpur Patiya, Taluka : Nayagoan,

District : Udaipur, State : Rajasthan.

At present in judicial custody at Sub-Jail Modasa [since 20.04.26]

VERSUS

OPPONENT-RESPONDENT :-

The state of Gujarat, [Notice be served Through Ld.P.P. Modasa]

APPEARANCES :-

Mr.K.M.Sisodia,

Ld.Advocate for the Applicant

MR.B.R.Patel,

Ld.Sp.P.P. for Opponent-State

REGULAR BAIL APPLICATION FILED UNDER
SECTION 483 OF THE BNSS-2023.

-:: O R D E R ::-

[1] The applicant-accused has preferred present regular bail application after filing of charge-sheet under under Section 483 of the BNSS, for alleged commission of offence under sections 65(a),(e), 81 and 83 of the Gujarat Prohibition Act, registered Modasa Rural Police Station vide Part-C C.R.No. 11188008260301 of 2026.

[2] The Notice was issued to the other side. Ld. Sp.P.P. Mr. B.R.Patel, representing the State, has appeared before the Court. The Investigating Officer has filed an affidavit vide Exhibit-6 and prayed for rejecting the regular bail application of the applicant-accused.

[3] The Ld.Adv. Mr.K.M.Sisodia for the applicant-accused has argued that the applicant is an innocent person and he is falsely implicated in the alleged case. It is submitted that there is no *prima facie* case against the applicant-accused. It is further submitted that the charge-sheet is filed and the applicant-accused is no longer required for investigation purposes and the trial will take a long time to finish due to which the applicant-accused will undergo pre-trial conviction. It is submitted that the one co-accused has been released by the Hon'be High Court in CRMA No.11663 of 2026. Therefore, parity be granted to the applicant-accused as both have similar roles. It is further submitted that the applicant-accused is the only bread earner of the family and if not released on bail then his family will suffer a lot of hardships. It is submitted that the applicant would abide by any condition imposed upon him. Thus, prayed to grant the application.

[5] On the contrary the Ld. Sp.PP Mr.B.R.Patel has opposed this application and submitted that the applicant-accused is a habitual offence against whom 3 offences under Prohibition Act are registered and PASA case no. 0037/2019 was also registered. It is submitted that the applicant-accused was transporting 1114 bottles of IMFL worth Rs.8,71,020/-, in the Scorpio Car. It is further submitted that the applicant-accused was caught red handed and was driving the Scorpio Car. Therefore, there is strong prima facie case against the applicant-accused and considering the criminal antecedents of the applicant/accused, the present application for bail, deserves to be rejected.

[6] I have heard the Ld.advocates for the respective parties. Perused the investigation papers and affidavit of the IO at Exhibit-6. The applicant-accused cannot be granted the parity as he has criminal antecedents and before the Hon'ble High Court in the CRMA 11663 of 2026, the applicant-accused has withdrawn whereas the other applicant-accused was granted regular bail, hence the Hon'ble High Court has not granted parity. Considering the fact that the applicant-accused was driving the Scorpio Car and has Prohibition Offences registered in different districts like Sabarkhanta, Ahmedabad and Arvalli as well as PASA proceeding vide case no.0037/2019, there is strong possibility that accused would not be available for trial. The muddamal recovered from the possession of the applicant/accused is in huge quantity, i.e. about 1114 bottles of IMFL worth Rs.8,71,020/-. The present applicant/accused was having knowledge that he was transporting prohibited liquor and there is conscious possession.

Under such circumstances, I am not inclined to exercise discretion in favour of the present applicant. Hence, the following final order is passed.

-:: FINAL ORDER ::-

[1] CRMA No. 739 of 2026 preferred by the applicant Bharatkumar Kaluram Ninama under section 483 of the BNSS hereby stands rejected.

Signed and Pronounced in the open Court today, on the 23rd day of June, 2026 .

Date : 23.06.2026
Place: Modasa

Rajkumar Ramsinh Chaudhary
Sessions Judge
Arvalli at Modasa
UIC No.-GJ01512