

Order below bail application of accused in case under Gujarat Prohibition Act

Applicant / Accused:

(1) Babusinh Chamansinh Vaghela.

- A.** Read the application and considered the case papers. The FIR is registered for the offences punishable under Sections 65(a)(e), 116(b), 98(2), 99, 81 and 83 of the Gujarat Prohibition Act.
- Learned advocates for both the sides have been heard.
- B.** Accused adv. submitted that chargesheet is filed. & submitted that the accused is innocent and has no role in the alleged offence. It is submitted that the accused is a local and permanent resident. The case is triable by the JMFC. This is the first offence registered against him and there are no criminal antecedents. It is further submitted that there is no likelihood of the accused absconding or interfering with the investigation. The accused is ready and willing to cooperate with the police investigation and therefore prayed to release the accused on bail on suitable conditions.
- C.** Learned APP for the complainant opposed the application and submitted that the accused is actively involved in the offence and has an active role. It is submitted that a huge quantity of liquor is involved and the accused is from another State, hence there is a possibility that the accused may not remain present during the trial. The offence is serious and grievous in nature. The muddamal involved in the offence consists of 1476 bottles of Indian Made Foreign Liquor valued at Rs.614055/-.
- D.** There is a possibility that other muddamal may also be involved in the case and that other accused persons may be involved. There appears to be a chain of suppliers and purchasers. The muddamal is recovered from the wilful possession of the accused. The offence is against society at large and has a higher impact. There is also a likelihood of repetition of the offence if the accused is released on bail.
- E.** The gravity of the offence is high and therefore the present application does not deserve to be granted.
- F.** Considering all the above facts, it is clear that the offence is registered under the Gujarat Prohibition Act. Having regard to the penal provisions, gravity of the offence, facts and circumstances of the case, there is a likelihood of repetition of the offence and non-possibility of the presence of the accused at the time of trial. The muddamal involved in the offence is also of a very high value, which further reflects the seriousness of the offence.
- G.** The Chargesheet is filed but There is no change in circumstances of the case.

H. Considering the facts and circumstances of the case and the penal provisions, it is clear that the offence alleged is punishable under Sections 65(a)(e), 116(b), 98(2), 99, 81 and 83 of the Gujarat Prohibition Act and Sections. The muddamal involved in the offence is substantial and there is a possibility of involvement of other persons. The offence is against society at large and considering the nature and gravity of the offence, granting bail in the present case does not appear to be just, proper and reasonable.

- In view of the above discussion, granting bail in the present case does not appear to be just, proper and reasonable.
- Hence, the present bail application is rejected.
- Order pronounced in open Court today.

Date: -09-03-2026
Taluka court Dantiwada

(Nikhil V.Gupta)
Principal Civil Judge & JMFC
DANTIWADA