

GJBK180005702026



Presented on : 07-03-2026
Registered on : 07-03-2026
Decided on : 17-03-2026
Duration : 0 years, 0 months, 10 days

**IN THE COURT OF 6th ADDL DISTRICT JUDGE
AT DEESA, BANASKANTHA
(Presided Over by S.M.KANABAR)**

CRMA S/173/2026

Exhibit No.8

Applicant :

GANPATRAM KISHANRAM VISHNOI
Through Police Station Officer THARA POLICE STATION -
BANASKANTHA DISTRICT 66 of 2017,
ARVA,TA-CHITTALVANA,
DIST-JHALOR RAJASTHAN
DEESABANASKANTHA

VERSUS

Opponent:

Government of Gujarat
Age: 0 Occupation :
AGP OFFICE DEESATA-DEESA

Advocate for Applicant : K R JOSHI,
APP for State : C G RAJPUT

**Offence punishable under : 482, of
THE BHARATIYA NAGARIK
SURAKSHA SANHITA, 2023, 65(A)
(E), 116(B), 98(2), 81 of GUJARAT
(BOMBAY) PROHIBITION ACT,
1949.**

**JUDGMENT
(Delivered on 17-03-2026)**

- (1) While preferring the application, it is filed u/s. 483 of BNSS for the regular bail by the original accused involved in Crime punishable u/s. **65(A)(E), 116(B), 98(2), 81 of GUJARAT (BOMBAY) PROHIBITION ACT, 1949** registered before THARA POLICE STATION C.R. No. 66 of 2017 stating his false implication in offence as well as raised the issue of responsibility of the family and gave assurance of the following the condition which would be placed by this court and asked to allow regular bail. He denied his roll in the crime as well as acquittal of all the co-accused in present case after trial.
- (2) On issuance of notice, learned Special PP Mr. C G RAJPUT filed his appearance.

- (3) Investigating officer has filed affidavit under Ex.7 with the identification given by the APP N.S.Vakil.
- (4) On the perusal of the allegation, it is cleared that prosecution alleged the involvement of the applicant in offence dealing with transportation of liquor and he was absconded for almost 8-9 years.
- (5) Before going on the other aspect of the present case, some decisions on the law of bail is necessary to note here.

 - A. The Hon'ble Supreme Court in Virupakshappa Gauda and another vs. State of Karnataka and another, (2017) 5 SCC 406 held that "16. The Court has to keep in mind what has been stated in Chaman Lal v. State of U.P. ((2004) 7 SCC 525). The requisite factors: (i) the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence; (ii) reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and (iii) prima facie satisfaction of the court in support of the charge.
 - B. In Prasants Kumar Sarkar v. Ashis Chatterjee (2010) 14 SCC 496), it has been opined that while exercising the power for grant of bail, the court has to keep in mind certain circumstances and factors. We may usefully reproduce the said passage: "9. ... among other circumstances, the factors which are to be borne in mind while considering an application for

bail are: (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger, of course, of justice being thwarted by grant of bail."

C. Indresh Kumar vs State of Uttar Pradesh 2022 LiveLaw (SC) 610 CrA 938 OF 2022 12 July 2022 Justices Indira Banerjee and V. Ramasubramanian the Court said that "Statements under Section 161 of Cr.P.C. may not be admissible in evidence, but are relevant in considering the prima facie case against an accused in an application for grant of bail in case of grave offence.

(6) In case on hand, it is appeared from the affidavit of the investigating officer that involvement of the accused was in the crime of transportation of liquor and he was absconded from almost 8-9 years this court is not on the view to allow any relief to the accused, resultant, following final order is required to pass.

ORDER

* The regular Bail Application of Applicant / Accused is
rejected with cost.

Singed & Pronounce in open Court Today 17th March 2026

Dt. 17/3/2026

Place - Deesa

(Shilpa Mansukhlal Kanabar)
6th Additional Sessions Judge,
Banaskantha at Deesa
Code: GJ00814

PROCEEDINGS

16-17/3/2026	Matter is listed on 16/3/2026
7	Affidavit of IO
	Heard the learned advocate of applicant but I was having only one clerk present on 16/3/2026 and we had many witnesses for recording of evidence and my court was running till 6-30 o'clock in recording of evidence, I was not able to pass the order on 16/3/2027 and posted on 18/3/2027 but I am free today and this is bail application and I does not seem any hesitation in pronouncement of order on today
8	Order passed on today.
	Disposed of accordingly

(Shilpa Mansukhlal Kanabar)
6th Additional Sessions Judge,
Banaskantha at Deesa
Code: GJ00814