

GJBN010012452026



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Decided on : 17.03.2026
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**IN THE COURT OF 4TH ADDITIONAL SESSIONS JUDGE,
BHAVNAGAR.**

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Criminal Misc. Application No.468 of 2026.
=====

EXH.NO -

Applicant. : Sanjaybhai @ Batko Rajubhai Makwana,

Age : 28 Years, Occu : Driving,
Residing at : Village : Nava Loichda, Ta.Palitana,
Dist.Bhavnagar.

(Presently in Judicial Custody at District Jail,
Bhavnagar)

Vs.

Opponent. : The state of Gujarat.

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Application for Regular bail under Section 483 of B.N.S.S.
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APPEARANCE:

Ld. Advocate for the applicant : Mr. R.B.Chauhan,
Learned A.P.P. for the State. : Mr. S.S.Bhatt.

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

[1.0] This application is filed by the applicant under Section 483 of B.N.S.S. for regular bail in connection with F.I.R. registered

as **C.R.No.11198001251227/2025** with **Nilambaug Police Station, Bhavnagar** for the offence punishable under Sections **65(a), 65(e), 116(B), 81 and 98(2) of the Prohibition Act.**

[2.0] It is stated by the applicant that, the applicant has been arrested by the police in connection of the afore-stated offence and was produced before the trial Court, whereby the Id. Trial Court sent him in the judicial custody and since then he is in judicial custody and hence, the present application has been filed under Section 483 of B.N.S.S.

[3.0] On service of notice to the opponent, Ld. A.P.P. appeared on behalf of State and investigating officer has filed affidavit in support of the complaint and also submitted police papers.

[4.0] Learned Advocate for the applicant has submitted that the applicant has no connection with the alleged offence and that he has been falsely implicated with the present offence. He has not played any role in the alleged offence. It is further argued that the applicant has been arrested in connection with this offence solely on the basis of suspicion. That he has no connection with the alleged liquor. It is further submitted that alleged liquor and other muddamal is already seized by the police and, therefore no further custodial interrogation of the applicant/accused is required during the investigation. Further, there is no likelihood of tempering with the evidence. It has also been submitted by the Ld. Advocate for the applicant that the offences are triable by the

Court of Judicial Magistrate First Class, and that the conclusion of trial of the alleged offence is likely to take long time and the denial of bail to the applicant would amount to pre-trial punishment, which is alien to criminal jurisprudence. It is submitted that the present applicant is a permanent resident of address given in the cause title of the application and has a family to support and is not likely to jump bail or evade trial. It is submitted that the applicant undertakes to abide by all or any condition that may be imposed by the Court in bail order and considering all the above factor it has been prayed that the present petitioner may be enlarged on bail.

[4.1] It is further argued that considering the role of co-accused - Kiritsinh Dilipsinh Limbola, he has granted bail in CrMA No.286 of 2026 by this Court on 20.02.2026, therefore, this application of similar situated applicant may also be allowed on the ground of parity.

[5.0] On the other hand, learned A.P.P. appearing for the opponent-state has opposed the bail application and as per the averments of the affidavit filed by the IO, further submits that present applicant is actively involved in the offence and there are serious allegations against the applicant. That apparently the present applicant is involved in the illegal activities of prohibited liquor and quantity of seized Indian Made Foreign Liquor bottles 1008 worth Rs.3,27,600/. That presently the investigation is going on. He further argued that the applicant/accused is involved in very serious crime and spoiling the moral fabric of entire society

and affecting the health of the society. Therefore, looking to the gravity and nature of the offence registered against the present applicant, the present application requires to be rejected.

[6.0] I have heard the Ld. advocates appearing on behalf of the respective parties and perused the papers.

[7.0] Considering the rival submissions of both the parties and going through the FIR and case papers, it transpires that allegation against the present applicant is that the present applicant is involved in the illegal activities of prohibited liquor and quantity of seized Indian Made Foreign Liquor bottles 1008 worth Rs.3,27,600/-. It further reveals from the record that the muddamal and other connected muddamal has already been seized by the police during the investigation. Further, considering the nature of allegation made against the applicant as well as the role attributed to the present applicant, it appears that now there is no requirement of the applicant for custodial interrogation in this matter.

[7.1] Further, here in this case the applicant pleads parity on the basis of bail granted to co-accused - Kiritsinh Dilipsinh Limbola, who has been enlarged on regular bail in CrMA No.286 of 2026 by this Court on 20.02.2026. It appears that the role of present applicants is more or less at par with that of the co-accused who have been released on bail by this Court. Therefore, considering the ratio of parity laid down by the Hon'ble High Court in cases of **2004 (3) GLH 297 "Patel Vishnubhai**

Shivrambhai Vs. State of Gujarat" and **2011(3) GLR 1999 "Rameshbhai Batubhai Dhabhi Vs. State of Gujarat"** the application of present applicant is also required to be allowed on the ground of parity.

[7.2] Further, considering the role of the applicant and quantity alleged to have been seized in the offence and considering the quantum of the punishment in the alleged offences and the fact that applicant is having permanent resident at the address given in the cause title of the application and offence is triable by the Court of magistrate, without discussing the evidence in detail, considering the settled position of law as well judicial precedents with regards to grant of bail in cases of **AIR 1984 (SC) 372 "Bhagirathsinh Jadeja Vs. State of Gujrat" ; (2012) 1 SCC 40 "Sanjay Chandra Vs. CBI"** and Special Leave to Appeal (Cri.) 5191 of 2021 **"Satender Kumar Antil Vs. CBI & Ors."** prima facie, this Court is of the opinion that this is a fit case to exercise the discretion in favour of the present applicant.

[7.3] On the perusal of affidavit filed by the Investigating Officer, it is apprehended by the Police that applicant is likely to indulge in similar offence. However, the the objection and apprehension raised by the prosecution against the grant of bail can be addressed and taken care of by imposing certain conditions. Hence, considering the quantum of the punishment in the alleged offences as well as in order to assure the presence of the applicant for trial and to avoid any hindrance to the

prosecution, it would be appropriate to impose certain conditions. Therefore, this Court is of the view that it is a fit case to exercise discretion to grant bail to the present applicant subject to certain conditions. Therefore, the following order is passed.

:: O R D E R ::

1. The present bail application is hereby allowed.
2. The applicant - **Sanjaybhai @ Batko Rajubhai Makwana**, is hereby ordered to release on bail in connection with the offence registered before **Nilambaug Police Station, Bhavnagar**, vide **C.R.No.11198001251227/2025** for the offence punishable under Sections **65(a), 65(e), 116(B), 81 and 98(2) of the Prohibition Act.**, upon executing a personal bond of **Rs.25,000/- (Twenty Five Thousand Only)** with one surety of the like amount subject to the following conditions.

(a) The applicant shall not obstruct or hamper the police investigation in any manner and shall cooperate the investigation Officer;

(b) Shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(c) Shall not commit any offence while on bail;

(d) shall not leave the territory of India without permission of the trial Court and Shall surrender his/her passport, if any, before the trial court or shall file an affidavit that he/she does not hold a passport, within seven day of furnishing bail before the court concerned;

(e) shall remain present before the trial Court regularly;

(f) Shall mark his/her personal presence before the concerned Police Station once during first week of the month between 10.00 a.m. to 5.00 p.m. till filing of chargesheet;

(g) Shall at the time of execution of bail-bond, furnish the address of residence with authentic proof & mobile number of the applicant as well as his/her surety to the

investigating officer and to the Court concerned and in case of change of any address, he/she shall inform his/her new address to the concerned police station & the Court immediately;

Bail bond be executed before the concerned trial Court.

Yadi of this order be sent to the concerned Court and Police Station.

Pronounced in the open Court on this **17th day of March, 2026.**

Date : 17.03.2026

Place : Bhavnagar

(JIGNESH GIRISHBHAI DAMODRA)

4th Additional Sessions Judge,

Bhavnagar.

Unique ID Code No.GJ00996

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