

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,  
CHHOTAUDEPUR**

**Criminal Miscellaneous Application No.73/2026**  
**(Regular Bail before charge-sheet)**

**Applicant :-** **Bhodiya alias Bhodubhai Limjibhai Rathva,**  
Age: 38 years, Occupation : Agriculture,  
R/o. : Gondhali, Patel Faliya,  
Taluka :- Dhodhamba & District :- Chhotaudepur.

The applicant is presently in judicial custody, as his bail application has been rejected by the learned Trial Court.

**Versus**

**Opponent : The State of Gujarat**

**Appearance:**

**Mr. M. B. Rathva,** learned Advocate for the Applicant.

**Ms. S. A. Desai,** learned D.G.P. for the Opponent-State.

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

**01.** The applicant is in judicial custody since 18/03/2026 in connection with an offence registered vide C.R. No. **11184012250617/2025** before **Zoz Police Station**, District Chhotaudepur involving alleged commission of offence punishable under Sections **65(A), 65(E), 98(2), 81, 83, 116(B)** of the **Gujarat Prohibition Act and Sections 111(2)(B), 111(3)(4) of B.N.S.** Therefore, applicant seeks relief under Section 483 of the B.N.S.S. for enlargement on regular bail.3

**02.** The Learned Advocate for the applicant has made a valiant attempt to justify the grant of reliefs sought for herein on the grounds that looking the complaint, the applicant was not present at the time of raid. The applicant has not committed any such offence and falsely implicated the present offence. The applicant has no any connection with the muddamal liquor. The applicant is earning his livelihood and

maintaining his family. There is no evidence to connect the applicant with crime and no document in support of claim that the muddamal is not belongs to applicant. The charges upon the applicant are not of the nature so as to inflict punishment of life imprisonment or death. The offences is triable by JMFC and punishable maximum for 10 years imprisonment. He has also argued that the co-accused has been released on regular bail vide order passed in Regular bail vide **Cr.M.A. No.340/2025, 378/2025, 379/2025, 380/2025, 381/2025, 385/2025, 386/2025, 387/2025, 388/2025, 5/2026** by this Sessions Court, and therefore, the present application also deserves to be allowed on the **ground of parity**. It is submitted that applicant is not likely to abscond being permanent inhabitant address mentioned in the title clause and is ready and willing to comply with the conditions that may be imposed by the Hon'ble Court and shall co-operate with the investigation. In support of contentions learned advocate has place reliance upon the following judgments :- (i) Sanjay Chandra V/s C.B.I,reported in AIR 2012 S.C 830. (ii) Rameshbhai B Dhabhi vs. State of Gujarat, reported in 2011(3) G.L.R 1999.

- 03.** Opposing the present application, the learned **D.G.P. for the State** submits that, in view of the gravity of the offence, the applicant is not deserving of bail. It is further submitted that the applicant had been evading arrest and was not cooperating with the police in the investigation. Further, there is a risk that the applicant may abscond if released on bail. In view of these circumstances, it is urged that the application be rejected.
- 04. Investigating Officer** has filed his affidavit at **Exhibit-5**, wherein it is submitted that there is direct and sufficient evidence against the applicant/accused. That the muddamal i.e. contraband liquor has been recovered in the present offence which shows his *prima facie* involvement in the alleged crime. Further, the applicant was arrested after a considerable period of time; therefore, if he is released on bail,

there is a likelihood that he may not remain present during the trial, which may cause delay in the proceedings. Hence, it is prayed to reject this application.

**05.** I have considered the rival submissions, perused the police papers and the affidavit of the Investigating Officer at Exhibit-5. It transpires that the police have seized contraband liquor worth **Rs.10,90,960/-**, along with 13 two-wheeler vehicles, 12 mobiles and more than 22 persons are found to be involved. Further, the role attributed to the applicant/accused is that he had procured the stock of contraband liquor from the co-accused, namely, Amarsingbhai Bachlabhai Rathva, who was earlier apprehended. Therefore, the F.I.R. has been registered and the charges upon the applicant/accused are not of the nature so as to inflict punishment of life imprisonment or death. Further, taking into account the police papers, it appears that the applicant/accused was arrested on 18/03/2026 and therefore, most of interrogation or information that needed to be extracted from the applicant/accused has been obtained. Hence denial of bail to the applicant/accused, would amount to pre-trial conviction. Furthermore, the learned D.G.P. submitted that there are several past criminal antecedents registered against the applicant; however, as per the settled law laid down by the Hon'ble High Court and the Hon'ble Supreme Court, mere pendency of other offences against the applicant/accused does not, by itself, disentitle him from being granted regular bail. Further, considering the **ground of parity**, the case of applicant/accused can be equated with the co-accused who have been released on bail and there are no different circumstances and striking dissimilarities to deviate from the rule of parity. Hence, allowing the arguments of the Ld. Advocate for the applicant/accused, for the interest of justice, following order is passed:-

**::: O R D E R :::**

(1) The present Regular Bail Application is hereby allowed.

(2) The Applicant/accused viz. **Bhodiya alias Bhodubhai Limjibhai Rathva**, is hereby ordered to be released on bail in connection with the offence registered at Zoz Police Station vide F.I.R. bearing C.R. No. **11184012250617/2025**, upon furnishing a personal bond of **Rs.20,000/- (Rupees Twenty Thousand Only)** with one surety of the like amount, subject to the following conditions:-

- (1) Applicant/accused shall not abscond/jump out the bail and shall not to take undue advantage of liberty.
  - (2) Applicant/accused shall not act prejudicial to the interest of the prosecution and shall remain present before the Court at the time of trial on every adjournment.
  - (3) Applicant/accused shall not induce or threaten witness acquainted with facts of present case.
  - (4) Applicant/accused shall not leave the Gujarat State without prior permission of this Court;
  - (5) Applicant/accused shall furnish his residential address proof with Mobile contact number with the authentic documents before the Court within 7 days of his release and shall not change his residence without prior permission of the Court;
  - (6) Applicant/accused shall make himself available before the Investigating agency for interrogation /investigation whenever and wherever called for.
  - (7) Bail Bond shall be furnished according to the satisfaction of the concerned Lower Court.
- (3) Bail is to be given before the concerned Lower Court.
- (4) Copy of this order also to be furnished to the concerned Lower Court as well as concerned Police Station.

**Pronounced in Open Court today on this 1<sup>st</sup> Day of April, 2026.**

DATE :01/04/2026  
CHHOTAUDEPUR.

**[ S. M. TANK ]**  
PRINCIPAL DISTRICT & SESSIONS JUDGE,  
CHHOTAUDEPUR.  
UNIQUE CODE NO.GJ00586.