

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

Criminal Miscellaneous Application No.150/2026

(Regular Bail before charge-sheet)

Exhibit :-

Applicant :-

Ashwinbhai Seliyabhai Du.Bhil,

Age: 22 years, Occupation : Labour,

R/o. : Sanoli Vasahat, Taluka :- Sankheda,

District :- Chhotaudepur.

At present :- District Jail Rajpipla.

Versus

Opponent : The State of Gujarat

Appearance:

Mr. R. M. Bhil, 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 **24/05/2026** in connection with an offence registered vide **C.R. No.11184005260377/2026** with **Karali Police Station, District Chhotaudepur**, for the alleged commission of offences punishable under Sections **65(A), 65(E), 98(2), 81, 83** of the **Gujarat Prohibition Act**. Therefore, the applicant seeks relief under Section **483** of the **B.N.S.S.** by way of the present application for being enlarged on **regular bail**.

02. I have heard learned Advocate for the applicant who has

vehemently submitted in his arguments that the applicant has not committed alleged offence and is innocent. Further, no prima facie case has been made out against the applicant. The applicant has no any connection with the muddamal liquor and the applicant does not know anything about the contraband liquor. The charge upon the applicant is not of the nature so as to inflict punishment of life imprisonment or death. The offences is triable by JMFC and punishable up to maximum 10 years imprisonment. The applicant is earning his livelihood and maintaining his family, and in his absence, his family would be left without any means of sustenance and may face starvation. The applicant is permanent resident of address cited in the cause title and if released on bail, will not likely to abscond or to tamper evidence of the prosecution by inducement or threat to witnesses and shall fully co-operate the police investigation. The applicant is ready and willing to furnish bail bond of the amount as deem fit to the Hon'ble Court and admit to comply the conditions that may be imposed. Hence, urged that applicant be released on bail. In support of his argument he has relied upon the following decision :- (i) Sanjay Chandra V/s C.B.I, reported in AIR 2012 S.C 830.

03. Opposing the present application, **learned D.G.P. for the State** submits that looking to gravity of offence, the applicant is not deserving to be released on bail. That the applicant may jump the bail, if enlarged on bail. Therefore, it is urged that under the circumstances, the application be

rejected.

04. Furthermore, **Investigating Officer** has filed his affidavit at **Exhibit-6**, wherein it is submitted that there is direct and sufficient evidence against 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, there is all possibility of tempering with the evidences if the applicant/accused enlarge on bail. Further, the investigation is at crucial stage and charge-sheet is yet to be filed. Therefore, the applicant/accused doesn't deserve to be enlarged on bail and 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-6. It appears that the police seized contraband liquor worth of **Rs.61,440/-** from a two wheeler vehicle bearing chassis No.MB8EA115BS8106827 which being driven by the present applicant/accused and he was apprehended during checking. Therefore, the F.I.R. has been registered against the present applicant/accused along with other co-accused. As it transpires from the affidavit sworn in by the Investigating Officer that the Investigation is at nascent stage and there is no likelihood of the trial being commenced and concluded in the near future. Further, upon considering the police papers, it appears that the applicant/accused was arrested on 24/05/2026, therefore, the most of the

interrogation has already been carried out from the applicant/accused. Further, the investigation is still going on and it will take time to file the charge-sheet, hence denial of bail to the applicant/accused, would amount to pre-trial conviction. Further, as per the affidavit of the Investigating Officer, the applicant bears **no prior criminal background and not a habitual offender**, therefore, there appears to be no reason to believe that the applicant would abscond or evade trial if released on bail. The charges upon the applicant/accused are not of the nature so as to inflict punishment of life imprisonment or death. Further, the offence alleged against the applicant/accused is triable by the Magistrate Court.

06. Therefore, in view of above facts and proposition of law, in the opinion of this Court, this is a fit case to exercise the discretionary powers of the Court in favour of the applicant/accused in view of the ratio also laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra Vs. Central Bureau of Investigation, reported in (2012) 1 SCC 40**. Hence, 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. **Ashwinbhai Seliyabhai Du.Bhil**, is hereby ordered to be released on bail in connection with the offence registered at **Karali**

Police Station vide F.I.R. bearing C.R. No.**11184005260377/2026**, upon furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand Only)** with one surety of the like amount, subject to the following conditions:-

- (A) The applicant-accused shall not involve himself in any similar offence in future.
- (B) The applicant-accused shall furnish his permanent residential address and mobile number to the Court and shall not change the same without prior permission of the Court.
- (C) At the time of furnishing bail before the concerned Court, the applicant-accused as well as his surety (both) shall produce his latest coloured passport-size photographs along with at least two valid government identity proofs.
- (D) The applicant shall remain present regularly during the course of trial.
- (E) The applicant shall make himself available before the Investigating Agency for interrogation/investigation whenever and wherever called for.
- (F) The Applicant shall not abscond or jump bail and shall not take undue advantage of the liberty granted to him, and shall not directly or indirectly induce, threaten, or promise any person acquainted with the facts of the present case so as to dissuade such person from

disclosing such facts to the Court or to any Police Officer.

- (3) Bail Bond shall be furnished according to the satisfaction of the Lower Court. Bail is to be given before the concerned Lower Court.
- (4) The Soft Copy of this order to be sent to the Superintendent of concerned jail by E-mail in accordance with the directions of the Hon'ble Supreme Court of India in SMWP (Criminal) No.4/2021, in RE POLICY STRATEGY FOR GRANT OF BAIL dated 31.01.2023.
- (5) 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
6th Day of June, 2026.**

DATE :06/06/2026
CHHOTAUDEPUR.

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