

GJCU080002162026



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Exh. 07

**IN THE COURT OF
 ADDITIONAL DISTRICT & SESSIONS JUDGE
 CHHOTAUDEPUR AT BODELI**

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Criminal Misc. Application No. 100 of 2026.

Applicant : Sandipbhai @ Bhailu Nanjibhai Tadv
Age:- Adult Occupation:- Labour work
 Residing at Bhatpur, Ta. Sankheda, District-
 Chhotaudepur.

Vs.

Opponent : State of Gujarat.

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Application u/s. 483 of B.N.S.S. for Regular bail after Charge-sheet

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APPEARANCE :

Ld. Advocate for the applicant. : Mr. S. K. Parmar
 Ld. A.P.P. for the State. : Mr. J. B. Purani

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

1. The present application is preferred by the applicant-accused under section **483 of the Bharatiya Nagarik Suraksha Sanhita-2023** for releasing him on regular bail in connection with the **FIR being No. 11184009260115/2026** registered with **Sankheda** Police Station for the offenses punishable under **Sections 65(a)(e), 81 and 83 of the Prohibition Act** along with **under section 111(3) of the Bhartiya Nyay Sanhita-2023.**
2. Succinctly, the facts of the case, as emerging from the

complaint, are that on 29/01/2026, the police, upon receiving credible information regarding the illegal storage and sale of Indian-made foreign liquor, conducted a raid at village Bhatpur, Ta. Sankheda, District Chhota Udepur. During the course of the raid, the present applicant–accused, namely Sandeepbhai @ Bhaylu Nanjibhai Tadv, was found present at the spot. Upon inquiry and search, it was found that the present applicant–accused was in possession of the keys of the locked premises, and upon opening the same, a large quantity of Indian-made foreign liquor, including beer and other liquor bottles, was recovered. In total, 2078 bottles/quarts of different brands of Indian-made foreign liquor, valued at Rs. 5,25,616/-, along with a mobile phone worth Rs. 5,000/-, aggregating to Rs. 5,30,616/-, were seized from the possession of the present applicant–accused. The present applicant–accused was arrested on the spot on 29/01/2026 and was thereafter sent to Chhotaudepur Sub-Jail. The applicant–accused preferred an application for regular bail before the learned Trial Court, which came to be rejected after considering the material on record. Thereafter, the applicant–accused filed a bail application before this Hon’ble Court, which also came to be rejected. Hence, the present application has been filed seeking release of the applicant–accused on regular bail after the filing of the charge-sheet in C.C. No. 530/2026.

3. Upon service of Notice to the Opponent-State, Ld. A.P.P. Mr. J. B. Purani remained present and the Investigating Officer has filed affidavit vide Exh. 06 and submitted that looking to the nature and gravity of the offence, this application be rejected.

4. The learned Counsel for the applicant–accused respectfully submits that the applicant is innocent and has been falsely implicated in the alleged offence. It is submitted that, despite the serious nature of the sections invoked, a bare perusal of the F.I.R. does not prima facie disclose any material indicating criminal conspiracy or recovery of contraband from the conscious possession of the applicant, and the co-accused is neither named in the F.I.R. nor apprehended at the spot; thus, Section 111(3) appears to have been wrongly invoked only to give the case the colour of a Sessions triable offence. It is further submitted that the charge-sheet has already been filed, no further custodial interrogation is required, and the trial is likely to take considerable time; hence, continued detention of the applicant is unwarranted. The applicant is a permanent resident of the local area, having movable and immovable properties, and is the sole breadwinner of his family earning livelihood through manual labour, and therefore there is no likelihood of absconding. It is further submitted that if the applicant is not released on bail, he will not be able to properly arrange for his defence. The applicant undertakes that he shall not tamper with evidence or influence, threaten, or induce any prosecution witnesses and shall strictly abide by all conditions that may be imposed by this Hon’ble Court, including furnishing bail bond and surety. Hence, it is humbly prayed that the applicant–accused be enlarged on regular bail.
5. The Ld. APP, appearing on behalf of the State, vehemently opposed the present bail application and argued as per the affidavit at Exh. 06 filed by the IO and prayed before this court that the present bail application be rejected.s

6. Now, before adverting to the emergence of the factual matrix from the record of the case, it is worthwhile to comprehend the factors governing the grant or rejection of the bail. While granting bail, the Court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, larger interests of the public/State and other similar considerations.
7. I have heard the learned counsel for the applicant–accused as well as the learned APP for the State and have carefully perused the F.I.R., the affidavit filed by the Investigating Officer at Exh. 06, and the material placed on record. From the record, it transpires that the role attributed to the present applicant–accused is that he was allegedly found in possession of 2,078 bottles/tins of Indian-made foreign liquor collectively valued at Rs. 5,25,616/-. It further appears from the record that the investigation in the present case has already been completed and the charge-sheet has been filed before the competent Court. Therefore, the material part of the investigation stands concluded and no further custodial interrogation of the present applicant–accused is required. The applicant–accused has been in judicial custody since 29/01/2026. No application has been preferred by the prosecution seeking further police remand of the applicant–accused. Hence, continued detention of the applicant would serve no fruitful purpose. Moreover, the muddamal, including the seized contraband liquor and the vehicle allegedly used in

the commission of the offence, has already been seized and is in the custody of the Investigating Agency. Therefore, the possibility of tampering with the material evidence appears to be remote. As per the affidavit filed by the Investigating Officer, the present applicant–accused has two past criminal antecedents, out of which one has resulted in acquittal and one has resulted in conviction. However, at this stage, considering the overall facts and circumstances of the case, particularly the fact that the investigation has been completed, such antecedents alone do not appear sufficient to deny the benefit of bail to the present applicant–accused.

8. Considering the overall facts and circumstances of the case, the nature of the allegations, the fact that the investigation has been completed and the charge-sheet has already been filed, the period of incarceration undergone by the applicant, the role attributed to him, and the stage of the trial, this Court is of the opinion that the present application deserves to be allowed. Hence, the following order is passed:–

: ORDER :

1. This Criminal Misc. (Reg. Bail) Application No. **100 of 2026**, is hereby **allowed**.
2. The applicant–accused **Sandipbhai @ Bhailu Nanjibhai Tadv** resident of the address shown in the cause title is hereby **released on bail** on furnishing personal bond of **Rs.1,00,000/- (Rupees one lakh Only)** and two surety of **like amount** in connection with **FIR being No. 11184009260115/2026** registered with **Sankheda** Police Station, subject to following conditions that :

I. The applicant–accused shall mark his personal presence

before the concerned Police Station on any date between the 1st and 15th of every month, between 11:00 a.m. and 6:00 p.m., for a period of one year.

- II.** *The applicant–accused shall remain present before the Learned Trial Court on all dates of hearing, unless specifically exempted by the Court.*
- III.** *The applicant–accused shall not take undue advantage of the liberty granted to him or abuse such liberty, and shall not indulge in any illegal activity.*
- IV.** *The applicant–accused shall not act in a manner injurious to the interest of the prosecution.*
- V.** *The applicant–accused shall not tamper with the evidence or attempt to influence any witnesses connected with the case.*
- VI.** *The applicant–accused shall furnish his present as well as permanent addresses to the Investigating Officer and to the Court at the time of execution of the bond, and shall immediately inform the Learned Trial Court in case of any change of address.*
- VII.** *The applicant–accused shall not leave the territory of the State of Gujarat without prior permission of the Learned Trial Court.*
- VIII.** *The applicant–accused shall furnish his contact numbers / mobile numbers to the concerned Police Inspector.*
- IX.** *The applicant–accused shall file a detailed affidavit disclosing his movable and immovable properties at the*

time of executing the bail bond before the Learned Trial Court.

- X.** *The accused shall surrender his passport, if any, to the concerned Court forthwith; and if he does not possess a passport, he shall file an affidavit stating the same.*
- XI.** *In case of breach of any of the above conditions by the applicant, the Learned A.P.P. shall be at liberty to move an appropriate application for cancellation of bail.*

3. Bail is to be given before the concerned Court.

4. Copy of this order to be furnished before the concerned Police Station as well as Jail Authority, Chhotaudepur.

Pronounced and signed today on this 27rd Day of March, 2026.

Date : 27/03/2026.
Place: Bodeli.

[S. P. Shankar]
UIC No. GJ01601
Addl. District & Sessions Judge,
Chhotaudepur at Bodeli.