



सत्यमेव जयते

IN THE COURT OF HON'BLE ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COURT No:03, AT: DAHOD.

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CRIMINAL MISC. APPLICATION NO. 224 OF 2026.

Applicant :

1. Mukeshbhai Kanubhai Khemchandbhai Panchal,
Aged : 45 years, Occupation : Driving,
Residing at : Gari Faliya, Garbada,
Ta:Garbada, Dist:Dahod.

(At present accused in judicial custody @
Sub-Jail, Dahod)

Versus**Opponent :**

1. The State of Gujarat

FOR Applicant : Ld. Advo. : Mr. S.S. Bhabhor.
FOR Respondent : Ld. DGP : Mr. A.K. Parikh.

Order below Regular Bail Application

[1] Present bail-application has been preferred by the applicant-accused seeking regular bail for the alleged commission of the offence registered at Jesawada Police Station vide FIR No: 11821049260171/2026 punishable u/s 65(e), 98(2), 81, 116(b) of the Gujarat Prohibition Act.

[2] In brief, the allegations against the applicant-accused as per the complaint are such that on Dt:01-03-2026 while the complainant alongwith other police personnel were on their patrolling duty in police station they received tip off that, accused alongwith others transporting IMFL in three four-wheeler and having two motorcycle as its piloting and hence they secured two panchas and intercepted vehicles and arrested accused persons and

upon search of the vehicles in presence of two panchas they found total:55 cartoons, total:1320 bottles of beer/IMFL having valur of Rs.2,50,800/-. Hence, the FIR to that effect came to be registered under above mentioned sections.

[3] Learned advocate for the accused-applicant has stated that the accused has not committed any alleged offence. Further, it is submitted that the accused-applicant is falsely implicated in the alleged offence. Subsequently, there is no prima facie case against the applicant. It is further argued that the muddamal has already been recovered by the police and hence, there is no likelihood of any further recovery of any muddamal. It is submitted that the applicant is permanently

residing at the given address and hence, if he would be released on bail, he is not likely to abscond. He further stated that, accused-applicant is suffering from ailment of liver since 2023 and he is under the medication of Dr. Chirayu Choksi, Gastrologist, and the seized quantity of beer as alleged from applicant is only 72-bottles having value of Rs.13,680/- and hence considering the medical history of the applicant, bail should be granted. Thus, he has requested to release the applicant on bail by imposing some conditions. Further, it is submitted that the offences are triable by the JMFC Court. Therefore, it has been urged to release applicant on regular bail.

[4] The learned DGP appearing for the State

has strongly opposed the present bail application and submitted that if the applicant is enlarged on bail then there is likelihood of repetition of the offence. He further stated that, applicant is listed bootlegger and having 13-antecedents of like crimes and went into PASA for two times and therefore considering the role of the applicant in crime, application should not be allowed. He further prayed to reject the bail application.

[5] I have heard the rival submissions of the Learned Advocate for the applicant as well as Learned APP for the State and perused the entire record alongwith affidavit of the I.O. It reveals that the applicant-accused was arrested and produced before learned JMFC Court and at present, he is in

judicial custody.

As per the police papers, it transpires that, the seized quantity of beer/IMFL as alleged from applicant is 72-bottles having value of Rs.13,680/-. Applicant has produced the medical papers regarding his ailment of liver alongwith the application.

Considering entire facts and circumstances of the case and the role of the present applicant-accused and also keeping in view the quantum of the punishment. Thus there is no need to keep the present applicant-accused in custody as long as he would co-operate with the investigation. Further, the investigation and trial may take long time to conclude and no purpose would be served if the applicant shall be kept behind the bar. This court has considered the ratio for the

purpose of bail in the judgment by the Apex Court in the case of Sanjay Chandra Vs. CBI, reported in (2012) 1 SCC 40.

Considering the facts as discussed above, I am of the view that the present application appears to be fit to exercise the discretion in favour of the applicant to grant regular bail. Hence, the following order is passed.

:: O R D E R ::

1. The application filed by the applicant-accused 1. Mukeshbhai Kanubhai Khemchandbhai Panchal, for regular bail, is hereby allowed.
2. The applicant-accused is hereby ordered to be released on regular bail for the offences registered at Jesawada Police

Station vide FIR No: 11821049260171/2026 punishable u/s 65(e), 98(2), 81, 116(b) of the Gujarat Prohibition Act, upon furnishing surety bond(s) in sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with one surety of like amount to the satisfaction of the concerned Court on following conditions.

- [a] not take undue advantage of liberty or abuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] maintain law and order;
- [d] not to leave India without prior permission of this Court;
- [e] furnish the address of residence alongwith copy of the Aadhar Card before the Id. Trial Court and shall not change

the residence without prior permission
of the Court;

[f] surrender passport within 7 days, if
any, or place an affidavit before the Ld.
Trial Court for not having the passport.

3. This order be intimated to the concerned
Police Station and the Ld. Trial Court, for
information and necessary action.

4. Necessary Yadi be sent to the Sub-Jail,
Dahod for information and necessary action.

Pronounced and declared in open Court on
this 7th day of March, 2026.

Place: Dahod.
Dt:07-03-2026

[Sandipsinh G. Dodiya]
UIC No:GJ00902
3rd Addl. District & Sessions Judge,
Dahod.