



IN THE COURT OF ADDITIONAL JUDICIAL MAGISTRATE FIRST CLASS,
AT.DEVGADH BARIA, DIST. DAHOD.
PRESIDED OVER BY :- MR S O GARG

CRMA - 350 OF 2026

APPLICANT : CHHATRASHI CHANDRABHAI BARIA
AGE. 45, OCCUPATION - FARMING,
RESIDENT - AT. DABHAVA, PATEL FALIYA,
TA. DHANPUR, DIST. DAHOD.

vs.

RESPONDENT : THE STATE OF GUJARAT.

**APPLICATION FOR SEEKING INTERIM CUSTODY OF A MUDDAMAL VEHICLE
UNDER SEC. 497 OF BHARTIYA NAGRIK SURAKSHA SANHITA, 2023.**

APPEARANCE :- For the Applicant :- Ld Adv. MR. R A PATEL
For the State :- Ld APP. MR. S M DAMOR

ORDER BELOW EXHIBIT.1

1. BRIEF FACT OF APPLICATION :

1.1. The present application has been filed by the applicant seeking interim custody of the muddamal vehicle MARUTI UDYOG LTD, WAGON RLX SUPERIOR WHITE having Chassis No. MA3EED81S00587045 and Engine No. F10DN4411236 bearing RTO registration No. GJ-06-CM-4343 (hereinafter referred as vehicle in question) The vehicle in question has been seized by the police in connection with the offence registered with the Devgadhi Baria Police Station FIR bearing C. R. No. 0106 OF 2026, Dated 27/01/2026 for the

(S.O.Garg)

Addl.JMFC, Devgadhi Baria.

PAGE NO. 1 OF 5

commission of offence u/s. 65(E), 81, 98(2), 116B of the Gujarat Prohibition Act.

2. ARGUMENTS BY APPLICANT.

2.1. The vehicle in question has been seized by the police and its real owner is Applicant and the registration of certificate of side vehicle at the name applicant and praying that the vehicle in question belongs to the applicant and it is used for the livelihood by the applicant. If the vehicle in question is not released by the Court and if the vehicle is lying idle in the police station, the same would become of no use and become junk day by day.

2.2. He further contended that the applicant is ready to comply with any conditions that may be imposed by your Honour court. Hence, prayed for allowing the application.

2.3. No further submissions have been made before this court.

3. ARGUMENTS BY LD. APP.

3.1. Heard the Ld. A.P.P., he submitted that looking at the entire material on record it is crystal clear that there is a strong prima facie case. He further submitted that the offence is serious and At the time of trial the vehicle in question is required to produce before this court.

3.2. Further they submitted that, In the said vehicle police have recovered the Contraband liquor from the vehicle in question and the quantity of the Contraband liquor is more than prescribed quantity. Therefore he requested that the present application should be rejected.

(S.O.Garg)

Addl.JMFC, Devgadh Baria.

PAGE NO. 2 OF 5

3.3. No further submissions have been made before this court.

4. **DECISION:**

4.1. Having heard the arguments advanced by both the learned advocates and after perusal of the documents on record. This court is of the opinion that in the interest of justice and in the present facts and circumstances this application of the applicant has been **Rejected**. Following are the findings and reasons for the same.

5. **REASONS AND FINDINGS:**

5.1. The Perused the present application, heard the arguments of both the learned advocates and considered the record on hand.

5.2. In the present case, it emerges from the record that on 27/01/2026, the police found the involvement of the present vehicle, namely **MARUTI UDYOG LTD, WAGON RLX SUPERIOR WHITE** bearing RTO registration No. **GJ-06-CM-4343**, in the transportation and carriage of **264 bottles of liquor**, totaling **118.920 litres**, which is far in excess of 20 litres of contraband liquor. Considering the contents of the FIR and the panchnama, and the fact that the vehicles were used simultaneously for transporting and carrying contraband liquor, it cannot be said that less than 20 litres of liquor was recovered from the present vehicle.

5.3. In order to determine the present application on hand relevant provision of The Gujarat Prohibition Act (hereinafter referred as Act)i.e. Section 98(2) is required to be looked into which is reproduced hereunder:

(S.O.Garg)

Addl.JMFC,Devgadh Baria.

PAGE NO. 3 OF 5

"Sec. 98 (2) : Any receptacle package or covering in which any of the article liable to confiscation under sub-section (1) is found and the other contents of such receptacle, package or covering and the animals, carts, vessels or other conveyances used in carrying any such article shall likewise be liable to confiscation by the order of the Court but it shall not be released on bond or surety till the final judgement of the Court where the quantity of the seized liquor is exceeding the quantity as may be prescribed by the rules."

- 5.4. Now a conjoint reading of above mentioned Section 98(2) of the Act and the **rule no.9**, it is abundantly clear that **where quantity of the seized liquor is more than 20 litres any receptacle, package or covering and the animal, cart, vessels or other conveyance used in carrying any such article shall not be released on bond or surety till the final judgement of the court.**
- 5.5. In the present case, it is found that the muddamal vehicle was involved in transportation of liquor in a quantity exceeding 20 litres. Therefore, in the considered opinion of this Court, the aforesaid provisions of the Act and the Rules squarely apply. Once it is established that the vehicle was used for carrying liquor beyond the prescribed limit, this Court is not empowered to grant interim custody of the said vehicle. Therefore, in view of the foregoing discussion and finding, the following final order is passed in the interest of justice:

(S.O.Garg)

Addl.JMFC, Devgadh Baria.

PAGE NO. 4 OF 5

F I N A L O R D E R

- The present application of the Applicant is hereby
REJECTED.

The order Signed and pronounced in the open Court today.

Date :- 03/06/2026
Place :- Devgadhbaria.

[S.O.Garg]
Addl.Judicial Magistrate
First class,
Devgadhbaria
JO Code :- GJ01738.