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REGISTERED ON : 01.04.2026

DECIDED ON : 02.05.2026

DURATION : 00 -01- 01

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IN THE COURT OF 6th ADDL.SESIONS JUDGE

AT GANDHINAGAR.

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Exh. 6

CRIMINAL REVISION APPLICATION NO.44 OF 2026

Applicant:-

1. Ravi Raju
Age: 24 Years, Occupation: Business
Resi. Ward No. 23, Bhavani Mandi, Zala Vaad,
Rajasthan

Vs.

Opponent:-

1. The State of Gujarat
Adalaj Police Station

Subject:- Application U/s. 438 of The Bharatiya Nagarik
Suraksha Sanhita, 2023.

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Appearance:

Mr.Viral.K.Rana	Learned advocate for the applicant.
Mr.H.N.Raval	Learned Special P. P. for the State.

J U D G E M E N T

1. The applicant has filed the present revision application under Section 438 of BNSS-2023 and has challenged the order dated 17.03.2026 of learned 3rd Addl. Judicial Magistrate First Class, Gandhinagar rejecting the muddamal application for the interim custody of the vehicle **Mahindra and Mahindra Ltd. Bolero Pickup CBC2WD BS IV Regi. No. RJ-02-GB-6617** seized by the **Adalaj** Police in connection with C.R.No. 111216001250765 of 2025 for the offence punishable under Section 65(A)(E), 81, 98(2) of the Prohibition Act.
2. The short facts leading to the application are that:-
 - 2.1 The Adalaj Police has seized the muddamal vehicle Bolero Pickup CBC2WD BS IV Regi. No. . RJ-02-GB-6617 which was used by the accused in the

alleged offence registered by the Adalaj Police vide C.R. No. 111216001250765 of 2025 for transporting contraband liquor. The applicant being the original owner of the said muddamal vehicle has filed muddamal application before the Trial Court for interim custody of his vehicle which was rejected by the learned Trial Court.

- 2.2 Being aggrieved and dissatisfied by the said order, the applicant has filed this revision application.
3. The learned advocate appearing on behalf of applicant has submitted that the muddamal vehicle is in custody of the police in connection with the offence. The said vehicle is lying with the police, and if the vehicle would not be used for long time, it will cause damage to the engine and other spare-parts of the vehicle. The applicant or his family members are not able to use the said vehicle, which is causing them difficulty as it directly affects their business and daily earning. The applicant is ready and willing to abide by any conditions to be imposed, for release of the said vehicle. So, the application may be allowed.

4. The learned Special P.P. has strongly opposed this revision application and contended that the accused persons were arrested alongwith muddamal contraband liquor and quantity seized by the police is of very huge quantity and the learned Trial Court has rightly rejected the muddamal application of applicant and the present revision application deserves to be rejected.
5. Read the application. Heard learned advocate for the revisionist and learned Special P.P. for the prosecution. I have gone through the papers. It seems that the learned Trial Court has rejected the muddamal application of the applicant-revisionist on the ground that the muddamal vehicle was carrying contraband Indian liquor of more than 20 litres, i.e. total bottles Nos.2880 amounting Rs.7,08,000/-. The applicant has produced the copy of RC book of muddamal vehicle bearing registration no. RJ-02-GB-6617. The said vehicle is registered in the name of present applicant-revisionist.
6. It prima facie seems that muddamal vehicle owned by present applicant was used for transporting

contraband liquor. The State Government has passed notification on 06.11.2019 that where the quantity of liquor seized is more than 20 litres total bottles Nos.2,880 amounting Rs.7,08,000/- in respect of any offence punishable under the Act, the vehicle or conveyance carrying such liquor shall be liable to confiscated in accordance with the provisions of the Sub-Section (2) of Section 98 of the Prohibition Act. The Honourable High Court has also held in the case of ***Pareshkumar Jaykarbhai Brahmhatt Vs State of Gujarat*** in ***Special Criminal Application no. 8521 of 2017*** that 'the Legislature in its wisdom has prescribed a methodology to deal with the prohibition offences, seizure, confiscation, release, etc. Once such a procedure is prescribed, the Courts have to examine the rights of the parties in accordance with the procedure so prescribed. I am unable to hold that the Magistrate and Revisional Court have committed any error in rejecting the applications preferred by the respective applicants under Sections 497 of the BNSS-2023. In view of the provisions of Section 98(2) of the Act, 1949, the general provisions laid down in Sunderbhai Ambalal

Desai Vs. State of Gujarat [JT (2002) 10 SC 80] cannot be pressed into service for release of vehicle from the Court of Magistrate'. Herein the present case, the muddamal vehicle was detained for transporting contraband liquor of total sealed bottle and Beer Tin Nos. 96 approx 54 litres. Therefore, considering the ratio laid down by the Honourable High Court and the notification of the Government of Gujarat, non-releasing of the muddamal Vehicle by the learned 6th Addl. Judicial Magistrate First Class, Gandhinagar is in accordance with the settled principles of law and accordingly, I am of the view that the application is required to be rejected. Hence, following order is passed:-

:: ORDER ::

1. The present revision application is hereby rejected.
2. The order dated 17.03.2026 passed by learned 3rd Addl. Judicial Magistrate First Class, Gandhinagar vide C.C.(Muddamal Application) No. 8206 of 2025, is hereby confirmed.

3. Copy of this order be sent to the concerned Trial Court, forthwith.

Signed and pronounced in the open Court on this
2nd Day of May, 2026.

Dated: 02.05.2026

[Virendrasinh G. Rana]

GJ00964

Place:- Gandhinagar

6th Addl. Sessions Judge
Gandhinagar

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