

IN THE COURT OF 2ND ADDITIONAL SESSIONS JUDGE,
VALSAD AT : VAPI, UID CODE No. GJ00597.

Criminal Misc Application No. 971 of 2022
Dated : 08-10-2022

Exh _____

APPLICANT : KANTABEN W/o. VISHAL
RAJESHBHAI DEVIPUJAK
Resident of : Mithila Nagari,
Rustumwadi Road, Navsari,
Taluka & District : Navsari

V E R S U S

THE STATE OF GUJARAT
FIR No. 11212062220619 of 2022
U/s. 65 (E) of the Gujarat Prohibition Act.
Police Station : Vapi Railway ... Opponent

Appearance :

Mr. K. S. Joshi, Learned Advocate for the Applicant.

Mr. A. R. Tripathi, Learned Public Prosecutor for the State.

Regular Bail Application U/s. 439 of Cr.P.C.

J U D G M E N T

1. The applicant-accused is seeking the Regular Bail in the this case. She was arrested on 02-10-2022 and she is in judicial custody over since. As per the prosecution case the muddamal of prohibited liquor 192 bottles worth of **Rs. 9,792/-** has been recovered from the possession of the present applicant-accused.

2. Notice of this application has been issued to the Learned Public Prosecutor for the State. Arguments heard.
3. The Learned Advocate for the applicants-accused argued that applicant-accused is innocent and falsely implicated in this case. He further argued that even perusal of the FIR no offence is made out against the applicant-accused. He further argued that there is no useful purpose would be served to keep the applicant-accused behind bar because trial will take long time and prayed for bail.
4. On the other hand, the Learned Public Prosecutor for the State opposed the bail application and argued that possibility of tampering the prosecution evidence and flee from justice cannot be ruled out, in case this court enlarges the applicant-accused on bail and prayed for dismissal of bail.
5. It was held by the Apex Court in case of **Sanjay Chandra v. Central Bureau of Investigation AIR 2012 SC 830-** that bail is the rule and committal to jail is an exception. Further, refusal of bail is a restriction on the personal of individual guaranteed under Article 21 of Constitution of India.
6. This Court observed that the muddamal has been recovered from the possession of the present applicant-accused. Further, the allegation against the applicant-accused is yet to be established. Thus, having heard the submissions of the parties, seeing the quantum of sentence accused is likely to

face, nature of accusation, gravity of the offence, the liberty of an individual being involved, the period of custody of the accused, the fact that the trial of the case will take long time, this Court is of the considered opinion that the applicant-accused is entitled for concession of regular bail in this case. Therefore, this court passes the following order:

ORDER

1. The present **Criminal Miscellaneous Application No. 971 of 2022** is hereby **allowed**. The applicant namely, **KANTABEN W/o. VISHAL RAJESHBHAI DEVIPUJAK** is order to be released on bail in connection with **FIR No. 11212062220619 of 2022** registered with **Vapi Railway Police Station** for the offences punishable under Sections 65(E) of the Gujarat Prohibition Act, on furnishing personal bond sum of **Rs. 15,000/- (Rupees Fifteen Thousand Only)** with one surety like amount to the satisfaction of learned Trial Court/Illaqua Magistrate/concerned Court;

CONDITIONS

1. The applicant shall not leave the territory of India without prior permission of the learned Trial Court.
2. The applicant shall give correct permanent residential address, mobile number, identity proof, to the police as well as concerned Court.
3. The applicant shall remain present before the trial Court on each and every adjournment.
4. The applicant shall submit passport before the

concerned trial Court within three days after she release on bail and if she has no passport, she shall file an affidavit about not having a passport.

5. The applicant shall not take undue advantage of liberty.
6. The applicant shall not act in a manner injurious to the interest of the prosecution.
7. Yadi be sent to concerned Court/Police station.

Pronounced in the open Court today i.e. **8th October, 2022.**

Date : 08-10-2022 [**Kaushikkumar Jashvantlal Modi**]
Place : Vapi 2nd Additional Sessions Judge,
Valsad at Vapi, UID : GJ00597