

	Received on	:	30/05/2026		
	Registered on	:	30/05/2026		
	Decided on	:	02/06/2026		
	Duration		Years	Months	Days
GJJN200002452026			0	0	3

**IN THE COURT OF 4th ADDITIONAL SESSIONS JUDGE,
VISAVADAR.**

Criminal Misc. Application No. 109/2026

Exh. :

Applicant: **Mahendra @ Mendo Jorubhai Vala**
Age: 22 years, Occupation: Farming,
Resident: Hajani Pipaliya, Tal. Visavadar,
District Junagadh.
At present : District Prison, Junagadh.

Versus

Opponent: **The State of Gujarat**
Notice through,
District Government Pleader,
Visavadar.

Sub. : Regular Bail Application under section 483 of B.N.S.S.

(Visavadar Police Station Crime Registration No.
11203070260213/2026 under section 65(a)(e) of Prohibition Act)

Appearances:-

Ld. Adv. Mr.K.B. Joshi for the Applicant.

Ld. A.G.P. Mr.V.N.Madhak for the Opponent.

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

1. The present application has been filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “BNSS”), seeking his release on regular bail. The applicant was arrested on 26/05/2026 in connection with the offence punishable under Sections 65(a) and 65(e) of the Gujarat Prohibition Act, registered as C.R. No. 11203070260213/2026 with Visavadar Police Station, and has been in judicial custody since his arrest. It is stated that the applicant had earlier preferred a bail application before the learned Trial Court, which came to be rejected. Hence, the present first regular bail application has been filed before this Court. The applicant states that he is innocent and has not committed the alleged offence. It is further submitted that, due to family rivalry and political animosity, he has been falsely implicated in the present case. The applicant is a family man having the responsibility of maintaining his family and is the sole breadwinner of his family. It is further stated that the applicant is a permanent resident of Village Hajani Pipaliya, Taluka Visavadar, and is engaged in agricultural activities. He

possesses movable as well as immovable properties in the village and, therefore, there is no possibility of his absconding. According to the applicant, there is no direct or indirect evidence connecting him with the alleged offence. It is also submitted that no muddamal has been seized from his possession and, therefore, no prima facie case is made out against him. It is further stated that the offence alleged against the applicant is not punishable with death or imprisonment for life. The applicant has expressed his willingness to abide by any condition that may be imposed by this Hon'ble Court. It is also submitted that the trial is likely to take considerable time to conclude and, therefore, continued incarceration of the applicant would amount to pre-trial punishment. In view of the aforesaid circumstances, the applicant prays to release him on regular bail on such terms and conditions as this Hon'ble Court may deem fit and proper.

2. The brief case of the prosecution, in a nut shell, is that

3. It is alleged that the applicant-accused had stored 154 sealed bottles of Indian Made Foreign Liquor worth Rs.15,400/-, which was stored at a vacant land situated near the farm of Dhirubhai Shambhubhai Tank on the old road connecting Hajani Pipaliya and Mota Kotda villages. The accused was not found

present at the spot during the raid, and therefore the offence came to be registered against him.

4. The notice was issued to the otherside. Ld.A.G.P. representing the State, has appeared before this Court, and filed the affidavit of Investigating Officer vide Exh.-6 to resist the application.

5. At the time of arguments, the learned advocate for the applicant/accused submitted that muddamal has been recovered from the vacant land; that applicant is of 22 years old and there is no possibility of his absconding, hence prayed to allow the present application.

6. The learned A.G.P. opposed the application and placed reliance upon the affidavit filed by the Investigating Officer at Exhibit-6. It is submitted that the applicant-accused has criminal antecedents and is involved in various offences in the past. It is further contended that the applicant was engaged in the illegal sale and possession of foreign liquor without any valid pass or permit. The learned A.G.P. further submitted that, if the applicant is enlarged on bail, there is a likelihood of his tampering with the prosecution evidence and influencing the course of investigation. It is also argued that his release may facilitate to abscond of other

accused persons involved in the offence. Further, considering the nature of the allegations and the antecedents of the applicant, it is argued that granting bail may undermine public confidence and may encourage others to indulge in similar unlawful activities. Therefore, it is prayed that the present application be rejected.

7. I have heard the Ld.Advocate for the applicant/accused at length as well as Ld.A.G.P. for the State. I have also gone through the affidavit of Investigating Officer vide Exh.-6.

8. Considering the submissions of both sides and the facts on record, it is alleged that the applicant/accused had stored 154 sealed bottles of Indian Made Foreign Liquor worth Rs.15,400/-, which was stored at a vacant land situated near the farm of Dhirubhai Shambhubhai Tank on the old road connecting Hajani Pipaliya and Mota Kotda villages. The accused was not found present at the spot during the raid. As per the police affidavit, the accused has prior criminal history. During investigation his involvement was found and therefore the offence came to be registered against him. The trial shall take its own course. But at this juncture this court can not take punitive course. Further the Court can fix necessary condition, to be sure that the accused could not tamper with the evidence.

9. Looking to the facts and circumstances of the present case, the accused is a local resident of Hajani Pipaliya, Taluka Visavadar, doing agricultural activities at his village and also possessed movable and immovable property at his village, and there is no reason to believe that he will abscond. Further no muddamal were seized from the custody of the applicant and he was not present at the spot. Considering all these facts and circumstances, and the well-settled principle that “bail is the rule and jail is the exception,” as laid down in **Sanjay Chandra v. CBI (2012) 1 SCC 40**, this Court is of the view that the accused deserves to be released on bail. His presence can be secured by imposing appropriate conditions. Hence, this Court finds that the present case is fit for granting bail on suitable conditions.

10. In view of the above facts and circumstances, this Court is of the opinion that the discretion under Section 483 of the BNSS can be exercised in favour of the applicant by imposing suitable conditions to secure his presence during the trial.

∴ ORDER ∴

1. The application, preferred by the applicant-accused, **Mahendra @ Mendo Jorubhai Vala**, for regular bail under Section 483 of B.N.S.S. in connection with the offence registered with Visavadar Police Station

Cr.Reg.No. 11203070260213/2026 is hereby **allowed**.

2. The above applicant-accused is hereby ordered to be enlarged on regular bail upon furnishing surety of **Rs.25,000/- (Rupees Twenty Five Thousand only)** and personal bond of like amount of satisfaction of Ld. Magistrate Court with the following terms and conditions :-

1. The applicant shall not leave the territorial limits of India without the prior permission of the Court;
2. If the accused holds a passport, he shall surrender it before the learned Trial Court within 3 days of being released on bail. If he does not hold a passport, he shall file an affidavit to that effect before the Ld. Magistrate Court.
3. The applicant shall furnish his residential address with authenticated proof before Ld. Trial Court and shall not change his address without prior permission of this Ld. Trial Court;
4. The applicant and his surety shall provide their telephone/mobile numbers and shall inform the Ld. Magistrate Court within seven days if there is any change.
5. The applicant shall not take undue advantage of the liberty or abuse his liberty;
6. The applicant shall not try to tamper or pressurize the prosecution witnesses or complainant in any manner;

7. If breach of any of the above conditions is committed, this Court shall be at liberty to take appropriate action against the applicant.
8. The bail bond shall be furnished before Ld. Magistrate Court.

Signed and pronounced in the open Court, today on this
02nd day of June, 2026.

Date : 02/06/2026.
Place: Visavadar.

(Hetalkumar Vinodray Joshi)
4th Additional District &
Sessions Judge,
Visavadar.
[Code No:GJ00599]