



Received on 26/02/2026
Registered on 26/02/2026
Decided on 16/03/2026
Duration Y. M. D.

**IN THE HON'BLE COURT OF 4TH ADDL. SESSIONS JUDGE
KHEDA AT NADIAD**

CRIMINAL REVISION APPLICATION NO. 10 OF 2026

Exh.:_____

APPLICANT :~

Kamal Gupta Tarachand
Age: 57 Yrs., Occup.: Business,
Director of Express Road Ways Pvt. Ltd.
Through his Power of Attorney Holder
Yadala Palli Jaypal Jon Sitarmaiya
Age : 55 Yrs., Occupation : Service,
Residence: Gate No.9-99, Main Village: Guntupalli,
Opp. C.S.I. Alimentary School,
Guntupalli, Ta.: Ibrahimpatnal, Dist.: Krishna,
State: Andhrapradesh - 521241

Versus

RESPONDENT :~

State of Gujarat

Appearance	
For the Applicant	: Ld.Advocate Mr. T.N. Mirza
For the Respondent	: Ld. PP. Mr. D.R. Barot

**Criminal Revision Application Filed u/S. 438 of B.N.S.S Act,
2023 & (as per old Section 397 Of Cr.P.C.)**

~: J U D G M E N T :~

- (1) Being aggrieved and dissatisfied by the order of Ld.9th Addl. Chief Judicial Magistrate, Nadiad, rejecting the Muddamal Application the present Revision Application is preferred.

- (2) The case of the Revisionist in brief is that Ashok Layland Container bearing registration No. MH.04.LE.7964 is seized in pursuance to the F.I.R. registered at Vadtal Police station vide I.CR. No. 11204068250541/2025, for the offences punishable under Sections - 65(a), 65(e), 81, 83, 98(2), 116(b) of Prohibition Act and 111(2)(b), 103, 111(1)(ns) of B.N.S.. The applicant had preferred Muddamal Application for releasing the said muddamal vehicle, however Ld. Trial Court without appreciating, that said vehicle is not required for investigation, is required to applicant for his daily routine has rejected the said application. Hence, present Revision Application.
- (3) Notice in pursuance to the present Revision application was issued to the Respondent. Ld.PP. appeared on behalf of Respondent-State and has submitted the report of the L.C.B., Kheda - Nadiad Police Station vide Exh.5 and stated that there is objection for releasing said muddamal.
- (4) Ld.Advocate for the Applicant submits that the said vehicle is seized by the police in pursuance to the above mentioned offence. The said vehicle if, kept idle at the police station the said vehicle will get corrosion and considerable time have lapsed after seizure of the said vehicle. The investigation of the said offence is complete and said vehicle is not required for the purpose of investigation. The applicant has further stated that he requires vehicle to carry out his routine work. Ld. Trial

Court failed to appreciate the said facts and hence, the order being erroneous, the present application be allowed.

Ld.Advocate for the applicant has produced documentary evidence vide List Exh.3- Mark-3/1 to Mark-3/4.

(5) Ld. Public Prosecutor submits that, the said vehicle is seized in pursuance to the offences punishable under under Sections - under Sections - 65(a), 65(e), 81, 83, 98(2), 116(b) of Prohibition Act and 111(2)(b), 103, 111(1) (ns) of B.N.S., and quantity more permissible limit is seized in the present case, and hence, present Revision Application is required to be rejected.

(6) Heard Ld.Advocate for the both sides. Read the Revision application and perused the Police report vide Exh.5 and documentary evidence vide List Exh.3.

(7) In view of the arguments advanced, following points arose for my consideration.

(1) Whether the order passed by the Ld. Trial Court is irregular and requires to be set aside ?

(2) What order ?

(8) My findings of the above points are as under, the reasons for which are as stated below :

(1) In negative.

(2) As per final order.

Reasons.

Point Nos.1 & 2

(9) **Section 98(2) of Prohibition Act reads as under :**

98. Things liable to confiscation : (1) -----

(a)-----

(d)-----

(2) Any receptacle, package or covering in which any of the articles 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 like-wise be liable to confiscation by the order of the Court,[but it shall not be released on bond or surety till the final judgment of the Court where the quantity of the seized liquor is exceeding the quantity as may be prescribed by the rules]

(10) The said vehicle is seized in pursuance to the offences punishable under Sections - 65(a), 65(e), 81, 83, 98(2), 116(b) of Prohibition Act and 111(2)(b), 103, 111(1)(ns) of B.N.S., wherein, it is alleged that total 9,156 numbers of bottles and tins of foreign liquor of Rs.22,19,040/-, without pass-permit, is seized from said vehicle. The limit prescribed by the government is 20 litres. Thus, liquor exceeding prescribed quantity is seized in present case. Trial of the said offence is pending. Hence, considering section 98(2) of Gujarat Prohibition Act, no illegality, irregularity transpires in the order of Ld. Trial Court rejecting the muddamal application. Hence, the present revision application deserves to be rejected. So, point no.1 is answered in negative and point no.2 is answered as per final order and following final order is passed.

:FINAL ORDER:

- [1]** Cri. Revision Application No.126/2025 is hereby rejected.
[2] No order as to costs.

Pronounced in the open Court on this 16th day of March, 2026.

Date:16/03/2026 (MUKESHKUMAR JAYANTILAL BRAHMBHATT)
Place: Nadiad 4th Additional Sessions Judge
Kheda at Nadiad
Code No.GJ00754