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 Decided on 04.06.2026
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**IN THE HON'BLE COURT OF ADDITIONAL SESSIONS JUDGE
 KHEDA AT NADIAD**

CRIMINAL MISC. APPLICATION NO.587 OF 2026

Exh.: _____

APPLICANT :~

Hajaram Gopichand Bada (Manat)

Age: 25 Yrs, Occupation: Labourer,
 Residing at Village Rampur Navalpur Fala sati,
 At : Rampur, Ta :Dist.:Dungarpur, (Rajasthan)
 M.No: 9712505003.
 At present New Bilodara Jail,
 Nadiad.

Versus

OPPONENT:~

The State of Gujarat

Appearance:-

For the Applicant	:	Ld.Advocate MR. A.V.Parmar
For the Opponent	:	Ld. D.G.P. Mr. D.R. Barot

**Application u/S. 483 of B.N.S.S. for Regular Bail
 (Read with Old Cr.P.C. u/S.439)**

**(Mahudha Police Station C. R. No.11204039260155/2026)
 (Offence u/S. 65(A), 65(e), 98(2), 116(B) of Prohibition Act)**

-: JUDGMENT :-

- (1) The present bail application has been preferred by the applicant to get regular bail u/S. 483 of B.N.S.S., in connection with the offence registered at Mahudha Police

Station C.R.No.11204039260155/2026 (Offence u/S. 65(A), 65(e), 98(2), 116(B) of Prohibition Act. The applicant is in custody since 22.05.2026.

- (2) Read the application. Heard the Ld. Advocate Mr. A.V. Parmar for the applicant/accused and Ld. D.G.P. Mr. D. R. Barot for the opponent i.e. State.
- (3) Ld. Advocate for the applicant/accused has vehemently submitted that the police has totally concocted a false story which is apparent from the FIR itself. It is submitted that there is no prima-facie case against the present applicant/accused and he is not an owner of the said muddamal liquor. It is in such a way that, police has recovered the Creta, vehicle number GJ.09.BH.1032. In the said vehicle, they have found 500 ml beer tin no.720 worth Rs.1,58,400/- and 2 plastic quarters of different brands of foreign liquor, total no.1188, worth Rs.5,27,400/- and vehicle worth Rs.5,00,000/-, in total Rs.10,27,400/-. As per the police case, the police chased the vehicle, but the driver of the vehicle abandoned his vehicle at the spot and fled away. It is further submitted that the present applicant/accused is not named in the FIR and he has been falsely implicated in the said offence. It is further submitted that one other offences of u/S.279 of I.P.C. is pending. It is further submitted that the alleged offence is magistrate triable and the punishment prescribed is not life imprisonment or death penalty. It is also submitted that the substantial investigation qua the present applicant/accused is completed and no further custody is required. It is further submitted that the present applicant/accused is only one

person and having responsibilities to maintain his family. Further, the police affidavit shows applicant/accused has not been convicted in any offence. It is further submitted that the applicant/accused is resident of Rajasthan and he would abide by all the conditions as may be imposed by the Hon'ble Court. Hence, it is submitted that the applicant be enlarged on regular bail.

- (4) Per contra, the Ld. D.G.P. Mr. D.R. Barot has vehemently opposed the present application and he has submitted that there is prima-facie case against the applicant/accused. It is further submitted that if the applicant is enlarged on bail, would flee from justice and would not be available for trial, tampering with evidence and influence the witness of the case. It is further submitted by Ld. DGP that the present applicant/accused is actively involved in this offence, as he was named by other co-accused during the course of investigation and if he will be released on regular bail, he may again involve in similar or other type of offence. It is further submitted that the applicant/accused is also involved in other offence and having one other criminal antecedents of Police Station out of which one offence is u/S.279, hence he is habitual offender. Therefore, it is prayed that applicant should not be enlarged on bail and submitted that the present bail application be rejected.
- (5) Heard Ld. Advocate for the party. Perused the material placed before this Court by the prosecution along with the affidavit of the I.O. vide Exh.5 as well as the documents produced by the applicant/accused vide Exh.3.

- (6) In the facts and circumstances of the case and considering the nature of allegations, this Court is of the opinion that, this is an appropriate case in which the discretion is to be exercised to enlarge the applicant/accused on regular bail. This Court has considered the following facts while exercising discretion in favour of the applicant/accused :-
- (i) the applicant is in custody since 23.05.2026;
 - (ii) the quantity/amount of muddamal prohibited liquor recovered is total 1188 bottles worth Rs.5,27,400/-;
 - (iii) there is no recovery or discovery is left from the present applicant;
 - (iv) Accused is not named in FIR & his name is given by co-accused.
 - (v) age of the applicant;
 - (vi) chances to remain present during trial;
 - (vii) one past antecedents reported against the present applicant but nothing to show on record that the applicant is convicted in any offence;
 - (viii) the offence is magistrate triable and the punishment prescribed is not life imprisonment or death penalty.
 - (ix) considering the pendency of the cases, it may take its own time in culminating the trial, which may amount to pre-trial punishment to the applicant/accused;
- (7) This court has taken into consideration the ratio laid down by the Hon'ble Apex Court in the case of (1) **Sanjay Chandra Vs. CBI**, reported in (2012) 1 SCC 40, (2) **Arneshkumar vs. State of Bihar**, (2014) 8 SCC 273 and (3) **Satenderkumar Antil Vs. CBI**, reported in (2021) 10

SCC 773. Moreover, this court has also considered the provisions of sec.483 of B.N.S.S.

- (8) Therefore, considering all the facts and circumstances discussed hereinabove, this Court is of the opinion that the case of the present applicant/accused is an appropriate case to exercise the discretionary power under Section 483 of B.N.S.S. in favour of the present applicant/accused, hence, the following order:

:: O R D E R ::

- 1) The application of the present applicant/accused to grant Regular Bail is hereby "**Allowed**".
- 2) The applicant namely **HAJARAM GOPICHAND BADA (MANAT)** is hereby ordered to be released on regular bail in connection with the offence registered at Mahudha Police Station C.R.No.11204039260155/2026 (Offence u/S. 65(A), 65(e), 98(2), 116(B) of Prohibition Act, upon furnishing personal bond and a like surety of sum of Rs.25,000/- (Rupees Twenty Five Thousand Only);
- 3) The bail is granted subject to the following conditions :
The Applicant/accused shall;
 - i) not take undue advantage of liberty or misuse liberty;
 - ii) not act in a manner injurious to the interest of the prosecution;
 - iii) surrender passport, if any, to the Ld. Trial Court within a week and if not having passport file an affidavit before concerned Court, within seven days;
 - iv) not to leave India without prior permission of the Ld. Trial Court;

- v) Shall declare permanent and present address of residence (along with proof of residence), disclose electronic mail address, phone number and surety to the Investigating Officer and also to the concerned Court at the time of execution of the bond and shall not change the same without prior permission of the Ld. Trial Court;
- vi) Mark his presence before the concerned police station in the first week of every month till filing of charge sheet.
- vii) The bail bond to be executed before the concerned Ld. Trial Court.
- viii) At the Trial, the concerned Court shall not be influenced by the prima facie observations made by this Court in the present order.
- ix) It will be open for the concerned Court to delete, modify and/or relax any of the above conditions, in accordance with law.

Yadi be sent to the concerned Court and concerned Police Station accordingly.

Pronounced in the open Court today on this 4th day of June, 2026, at Nadiad.

Dated :- 04.06.2026

Place :- Nadiad.

(Hemang Ashvinbhai Trivedi)

Additional Sessions Judge,
Kheda at Nadiad.

[Code No.GJ00591]