

GJMR010005102026



Received on : 02/03/2026
Registered on : 02/03/2026
Decided on : 06/03/2026

Exhibit

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
MORBI.**

Criminal Misc. Application No. 256/2026

Applicant :-

Jogendrakumar Alias Jogaram Ramaram Sharan

Age – 25 Years, Occupation – Driving,

Residing at – Bidhani Baniya ki Dhadhi, Shobhala Jetmal

Taluka- Chohadan, Dist.- Badmer, Rajasthan

At Present Sub Jail, Morbi.

Vs.

Opponent :-

- 1. THE STATE OF GUJARAT,**
Through P. P., Morbi.

**BEFORE SHRI K. R. PANDYA
ADDITIONAL SESSIONS JUDGE, MORBI**

Advocates:-

Mr. F. J. Oza, Learned Advocate for Applicant/Accused.

Mr. N. D. Karia, Learned P. P. for Opponent/State.

-: JUDGMENT :-

- [1] This application has been filed by the applicant seeking to be enlarged on regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, in connection with the offence registered with Morbi Taluka Police Station, vide C.R. No. 2490/2025, for the offences punishable under Sections 65(a), 65(e), 98(2) and 116(b) of the Gujarat Prohibition Act.
- [2] The notice was issued to the other side. The Learned P. P. Mr. N. D. Karia, has appeared on behalf of the State, filed affidavit of Investigating Officer vide Exhibit 5 and resisted the present application.
- [3] The brief facts of the prosecution case are that The present case arises out of the alleged illegal transportation of Indian-made foreign liquor, wherein the accused Jogendrakumar alias Jogaram Ramaram Sharan, along with other co-accused, is alleged to have transported contraband liquor in a Hyundai vehicle bearing registration No. GJ-07-DD-4555. It is alleged that the vehicle was loaded at Sidri village, Rajasthan, with 360 company-sealed glass bottles of 750 ml each of “Royal Challenge Fine Reserve Whisky – For Sale Punjab Only”, valued at Rs. 4,68,000/-, which was intended to be delivered at Morbi. During the course of such illegal transportation, the

vehicle met with an accident on the way, after which the occupants abandoned the vehicle and fled from the spot, whereupon the police seized the said liquor as muddamal and registered the present offence. Accordingly, a complaint was lodged by the complainant against the present applicant/accused. The applicant/accused was arrested on 06/01/2026, produced before the learned Trial Court, and was thereafter remanded to judicial custody.

- [4] Learned Advocate, Mr. F. J. Oza, appearing on behalf of the applicant/accused, submitted that the applicant/accused was arrested in this offence on 06/01/2026 and has been in custody since then. It was further submitted that the applicant/accused is innocent, has not committed the alleged offence, and has been falsely implicated despite having no knowledge of or involvement in the said offence. It was also submitted that the applicant had no direct or indirect role in commission of the present offence. Therefore, no prima facie case is made out against the applicant/accused. The Charge-sheet is filed and the same is registered vide Criminal Case No. 1259/2026 and is pending before the competent court for adjudication. It was further submitted that the applicant/accused is residing with his family at the address mentioned in the application and owns both movable and immovable properties, thus eliminating the likelihood of absconding. It was also urged that the applicant is a family man and the sole

breadwinner, and if not released on bail, his family would face a starvation-like situation. It was further submitted that if released, the applicant/accused shall comply with all conditions imposed by this Hon'ble Court. Learned Advocate, therefore, prayed that the present application be allowed and the applicant/accused be released on regular bail.

- [5] So far as the State is concerned, the learned Public Prosecutor, Mr. N. D. Karia, has opposed the present bail application and has filed the affidavit of the Investigating Officer at Exhibit-5. It has been submitted that, in connection with the present offence, the police recovered 360 company-sealed glass bottles of 750 ml each of "Royal Challenge Fine Reserve Whisky – For Sale Punjab Only", valued at Rs. 4,68,000/-. It was further submitted that, during the course of investigation, it has been revealed that the present applicant/accused is actively involved in the alleged offence. Learned APP further submitted that a charge-sheet has already been filed in the present case, and the same reveals a prima facie case against the applicant/accused. Learned APP also contended that mere filing of the charge-sheet does not ipso facto entitle the applicant/accused to be released on bail as a matter of right. It was further contended that, despite total prohibition being in force in the State of Gujarat, the applicant/accused committed the present offence for

personal gain. It was therefore argued that, if the applicant/accused is released on bail, there is a strong likelihood that he may assist the co-accused in evading arrest, obstruct the investigation, and adversely affect the prosecution case. Hence, it was prayed that the present bail application be rejected.

- [6] I have carefully perused the records and proceedings of the case, including the affidavit filed by the Investigating Officer. Moreover, there is no substantial change in circumstances after filing of Charge-sheet. Upon considering the submissions advanced by the learned counsel for both parties, and on perusal of the police papers as well as the affidavit of the Investigating Officer at Exhibit-5, it appears that the vehicle belonging to the applicant/accused was involved in the alleged offence, and that a substantial quantity of muddamal, i.e. 360 bottles of 750 ml each of “Royal Challenge Fine Reserve Whisky – For Sale Punjab Only”, valued at Rs. 4,68,000/-, was recovered from the said vehicle.

Considering the facts, record and police papers produced, huge quantity of prohibited liquor and reasonable apprehension to flee away from the trial, this Court is of the opinion that granting bail to the applicant/accused at this stage would adversely impact societal interest and may set a negative precedent.

Therefore, the discretionary powers vested in this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) cannot be exercised in favour of the applicant/accused, and hence, considering the facts and circumstances mentioned above, the following order is passed in the interest of justice.

:- ORDER :-

The present Criminal Misc. Application No. 256/2026 U/s. 483 of Bharatiya Nagarik Suraksha Sanhita, is hereby rejected on merits.

Signed and pronounced in the open Court on this **6th day of March, 2026.**

Place: Morbi
Date: 06/03/2026

(Kamal Rasiklal Pandya)
Additional Sessions Judge,
Morbi
Judge Code GJ00739

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