



GJMR010005112026



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

Exh. :

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

Cri. Misc. Appln. No.257/2026

Applicant :-

LAL MAHAMMAD urfe LOTO TAJANBHAI MAGHARA
AGE-45 YEARS, OCC. FARMING,
R/O. VILLAGE – GADSAR VADLITHAR,
TA – SANTALPUT, DIST - PATAN,

AT PRESENT SUB JAIL, MORBI.

Vs.

Opponent :-

THE STATE OF GUJARAT,
THROUGH A.P.P., MORBI.

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

Advocates:-

Mr. G. M. Sarla, Ld. Adv. for Applicant/Accused.
Mr. N. D. Kariya, Ld. A. P. P. for Opponent/State.

-:: JUDGMENT ::-

[1] This application has been filed by the applicant, to enlarge

him on regular bail, u/s.483 of B.N.S.S., in connection with the offence registered with Halvad Police Station vide C. R. No.1147/2025, for the offences u/s.65(a)(e), 116(b) and 81 of the Prohibition Act.

- [2] The notice was issued to the other side. The Ld. A.P. P. Mr. N. D. Kariya, has appeared on behalf of the State, filed affidavit of Investigating Officer vide Exh.5 and resisted the present application.
- [3] It is alleged that the present applicant/accused, along with the other co-accused persons, was involved in the illegal possession of 83 bottles of Indian Made Foreign Liquor worth of Rs. 91,300/-. Upon conducting a raid, the investigating agency recovered a total of 83 bottles of Indian Made Foreign Liquor, valued at Rs. 91,300/-, intended for sale without the requisite license or permit from the possession of co-accused and the said liquor was alleged to have been sent by the present applicant/accused. By such acts, the applicant/accused, along with the other co-accused person, is alleged to have committed the offences as stated in the FIR.
- [4] The Ld. Advocate for the applicant/accused has argued before the Court that the applicant/accused is innocent and

not committed any offence and he was wrongly been arraigned in the alleged offence. He further submitted that present applicant/accused is in Judicial Custody since 23.02.2026. It is further submitted that applicant/accused is sole bread-earner of his family. It is further submitted that none of the accusation has been proved against him. It is submitted that the applicant/accused is resident of Patan and he will remain present during trial. This offence is triable by the J.M.F.C. Court. Hence, Ld. Advocate for the applicant/accused has prayed before this Court that the application of applicant/accused requires to be granted.

- [5] The Ld. A.P.P., Mr. N. D. Kariya has drawn the attention of this court towards FIR, affidavit and police papers and has strongly objected this application and has submitted that the alleged offence is very serious and present applicant/accused was involved in illicit export of huge amount of Prohibited liquor. He further submitted that the Government has made the prohibition law more stringent to curb the menace of liquor and during the investigation of police, huge quantity of liquor was found from Transport office. He further argued that he has played active role in the alleged offence. Moreover, investigation is still pending. It is also submitted that applicant is having criminal antecedent and he is involved in 11 other offences also. He also argued that there is possibility, present

applicant/accused will not remain present during the trial if bail application of present applicant is allowed. Hence, Ld. APP has prayed before this Court that regular bail application of applicant/accused requires to be dismissed.

- [6] I have gone through the record and proceedings of the case and the affidavit filed by the I.O. of this case. So far as the offences registered against the applicant/accused in this matter, is concerned, all the offences are triable by the Court of Ld. J.M.F.C. Moreover, the accusation made against the applicant/accused in the present matter, is a matter of evidence. It is admitted fact on record that, the applicant/accused is in custody since 23.02.2026. Furthermore, the applicant/accused has given assurance to the Court that, he will abide by all the conditions imposed by the Court, if he is released on regular bail. As such, considering the nature and gravity of the offence, the offences alleged against the applicant/accused are triable by the Court of Ld. J.M.F.C., this Court is of the opinion to grant regular bail to the applicant/accused. Hence, following order is passed. Thus, looking to the facts and circumstances mentioned herein above, the following order is passed in the interest of justice.

ORDER

The present Criminal Misc. Application No.

257/2026, filed u/s.483 of B.N.S.S., by the applicant, namely, **LAL MAHAMMAD urfe LOTO TAJANBHAI MAGHARA** hereby stands allowed and the applicant is ordered to be released on regular bail in connection with offence registered with Halvad Police Station vide C. R. No.1147/2025, subject to the following conditions.

Conditions:

- (1) The applicant shall furnish a bond of **Rs.50,000/- (Rupees Fifty Thousand Only)**, with his recent self-attested Photograph and one surety, to the satisfaction of the concerned lower Court;
- (2) The applicant/accused shall not tamper with the evidence and not try to induce or threaten to the witnesses of the case.
- (3) The applicant/accused shall mark his presence before the concerned Police Station on 1st and 15th date of every English Calender Month in between 11.00 a.m. to 5.00 p.m. till the charge-sheet is filed by the police. The applicant/accused shall attend the dates of hearing regularly during the trial.
- (4) The applicant/accused shall furnish the details of the passport and deposit it with the custody of the concerned Trial Court within 7 days after released on bail, and if he do not possess the passport, he shall file an undertaking on oath within 7 days after released on bail before the Ld. Trial Court.

- (5) The applicant/accused shall not leave the territory of India without prior permission of the concerned Trial Court.
- (6) The applicant/accused shall furnish his residential address with proof before the concerned Court as well as concerned Police Station and the applicant/accused shall not change his residential premises without prior permission of the concerned Trial Court till the pendency of trial.
- (7) It will be open for the Ld. Trial Court to delete, modify and/or relax any of the above conditions, in accordance with the law.

If breach of any of the above conditions is committed, the bail bond is liable to be canceled.

Signed and pronounced in the open Court on this **06th Day of March, 2026.**

Place :- Morbi
Date :- 06/03/2026

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

HARIOM