

GJMR010005192026



Received on : 03/03/2026
Registered on : 03/03/2026
Decided on : 10/03/2026
Exh. :

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
MORBI.

Cri. Misc. Application No. 259 of 2026

Applicants :

1. **Vikramsing s/o Narayansing Chauhan,**
Aged: 32 yrs., Occu.: Driver,
Residing at Village, Nalbadi, Thana Naal, Tal.& District:
Bikaner, Rajasthan
2. **Kamal Kishor Premaram Maru Nai**
Aged: 34 yrs., Occu.: Cleaner,
Residing at Village, Banglanagar ward No. 2, Tal.&
District: Bikaner, Rajasthan

Both the applicants at present in Judicial Custody at Morbi
District Jail, Morbi.

V E R S U S

Opponent:

The State of Gujarat.

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

Appearance :

Ld. Adv. Mr. J. M. Parikh for the applicant/accused.
Ld. P.P., Mr. V. C. Jani for the opponent - State.

Regular bail application U/s.483 of B.N.S.S.

J U D G M E N T

- (1) Read the application. Heard Ld. Advocate Mr. J. M. Parikh for the applicant/accused and Ld. P.P. Mr. V. C. Jani for the opponent – State.
- (2) The present application is filed by the applicants/accused U/s. 483 of B.N.S.S. for granting of Regular bail in connection with the offence registered Maliya Miyana Police Station vide Prohibition Case CR. No. 0120/2026, for the offences punishable U/Ss. 65(a)(e), 116(B), 98(2), 81 and 83 of the Prohibition Act and Section 238 of the B.N.S.
- (3) The Ld. Advocate for the applicants/accused has argued before the Court that the applicants/accused are innocent and not committed any offence and they were wrongly arraigned in the alleged offence. He further submitted that present applicants/accused are in Judicial Custody since 13.02.2026. It was further submitted that the applicants/accused are innocent and have not committed the alleged offence, and that they have been falsely

implicated despite having no knowledge of or involvement in the said offence. It was further submitted that the applicants had neither any direct nor indirect role in the commission of the present offence, although their names surfaced during the course of investigation. Therefore, it is submitted that no prima facie case is made out against the applicants/accused. It was further submitted that the applicants/accused are residing with their 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 applicants are a family man and the sole breadwinner, and if not released on bail, their family would face a starvation-like situation. It was further submitted that if released, the applicants/accused shall comply with all conditions imposed by this Court. Learned Advocate, therefore, prayed that the present application be allowed and the applicants/accused be released on regular bail.

- (4) So far as the State is concerned, the learned Public Prosecutor, Mr. V. C. Jani, has opposed the present bail application and has placed on record the affidavit of the Investigating Officer at Exhibit-6. It is contended therein that Accused No. (1), Driver Vikramsingh s/o Narayansingh Chauhan, and Accused No. (2), Cleaner Kamal Kishore Premaram Maru Nai, both residents of

District Bikaner, Rajasthan, were apprehended while transporting Indian Made Foreign Liquor/Beer totaling 19,068 bottles/tins in Trailer No. RJ-07-GD-2852, valued at Rs.1,38,04,080/-, along with cash and other articles. The said trailer, mobile phones, covering materials and other articles were seized and the total value of the muddamal is stated to be Rs.1,63,51,160/-. It is further contended that the owner of the trailer, Rajuram Jayaram, despite having knowledge that the vehicle was being used for illegal activities, permitted the same to be used for illegal transportation of liquor. It is also the case of the prosecution that the main accused, Ramesh Likhamaram Sevar, along with his partner Balveer Sohandas Jat, had arranged for loading and transportation of the said liquor, whereas Jabbar Bishnoi had allegedly removed the batch numbers from the bottles with a view to destroy evidence and had arranged for loading of the liquor from Bathinda, Punjab. It is further alleged that two unknown persons and another unidentified person driving a black coloured Creta car at Samakhiyari had also facilitated the transportation of the said contraband, and thus all the accused persons acted in connivance with each other in commission of the alleged offence. On the aforesaid grounds, the learned Public Prosecutor has urged that the present application for regular bail filed by the applicant/accused deserves to be rejected.

- (5) I have carefully gone through the record and proceedings of the case, as well as the affidavit filed by the Investigating Officer. Upon considering the submissions made by both sides and perusing the police papers and the affidavit of the Investigating Officer at Exhibit 6, it appears that the applicants/accused are involved in the alleged offence, and a large quantity of muddamal, i.e., Indian Made Foreign Liquor/Beer totaling 19,068 bottles/tins in Trailer No. RJ-07-GD-2852, valued at Rs.1,38,04,080/-.

Considering the facts, records, and police papers produced, including the recovery of a huge quantity of prohibited liquor, it appears that applicants/accused are permanent resident of Rajasthan State and, he might not be present before the Court during trial of this case, hence, there is reasonable apprehension to flee from the trial. This Court is of the opinion that granting bail at this stage would adversely affect 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 applicants/accused, and hence, considering the facts and circumstances mentioned above, the following order is passed in the interest of justice.

ORDER

The present bail application is hereby rejected on merits.

Pronounced in the open Court today on this **10th day of March, 2026.**

Place :- Morbi
Date :- 10/03/2026.

(Kamal Rasiklal Pandya)
Addl. Sessions Judge,
Morbi
Judge Code GJ00739

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