



GJMR010005472026



Received on : 07/03/2026
Registered on : 07/03/2026
Decided on : 11/03/2026

Exh. :

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

Cri. Misc. Appln. No.278/2026

Applicant :-

SOYAB UMARBHAI JAM
AGE-40 YEARS, OCC. LABOUR WORK,
R/O. BESIDES BINDI GAS AGENCY,
TA – DHRANGADHRA, DIST - SURENDRANAGAR,

AT PRESENT SUB JAIL, MORBI.

Vs.

Opponent :-

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

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

Advocates:-

Mr. R. K. Kobiya, Ld. Adv. for Applicant/Accused.
Mr. V. C. Jani, Ld. 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 Wankaner City Police Station vide C. R. No.0004/2026, for the offences u/s.65(a) (e), 116(b), 98(2) and 81 of the Prohibition Act.

- [2] The notice was issued to the other side. The Ld. P. P. Mr. V. C. Jani, 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 4944 bottles of Indian Made Foreign Liquor worth of Rs. 8,10,480/-. Upon conducting a raid, the investigating agency recovered a total of 4944 bottles of Indian Made Foreign Liquor, valued at Rs. 8,10,480/-, intended for sale without the requisite license or permit from a Truck i.e. Eicher bearing registration No. GJ03BY1451, which was under the possession of accused and co-accused and the said liquor was alleged to have been transported by the present applicant/accused along with co-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 04.01.2026. It is further submitted that applicant/accused is sole bread-earner of his family. It is further submitted that there is no criminal history of the present applicant/accused. It is further submitted that investigation is over and Charge-sheet has been filed and the same is pending before the competent Court for adjudication. It is submitted that the applicant/accused is resident of Surendranagar 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. V. C. Jani 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 the vehicle, which was under possession of the present applicant. He further argued that he has played active role in the alleged offence. It is further stated that mere filing of charge-sheet does not entitle the applicant to be released

on bail. 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. PP has prayed before this Court that regular bail application of applicant/accused requires to be dismissed.

- [6] This Court has carefully considered the submissions advanced by the learned Advocate for the applicant and the learned P.P. for the State. The Court has also perused the FIR, affidavit of the Investigating Officer and the police papers placed on record. From the material available on record, it appears that a huge quantity of prohibited liquor, i.e., 4944 bottles of Indian Made Foreign Liquor worth Rs. 8,10,480/-, was recovered from the truck bearing Registration No. GJ-03-BY-1451, which was found under the possession of the present applicant and the co-accused. The record prima facie indicates that the applicant was actively involved in the illegal transportation and possession of the prohibited liquor without any lawful permit or license. The offence alleged against the applicant is serious in nature and relates to violation of the provisions of the Prohibition Act, which have been enacted with the object of curbing the illegal trade and transportation of liquor in the State. Considering the huge quantity of liquor recovered, the role attributed to the present applicant and the circumstances emerging from the investigation, this Court is of the view that the applicant

does not deserve to be enlarged on bail at this stage. The charge-sheet reveals sufficient prima facie material substantiating the role of the applicant/accused in the alleged commission of the offence, including documentary evidence. There has been no material change in circumstances following the filing of the charge-sheet. Further, mere filing of charge-sheet can not be the sole criteria to allow this application. The submissions advanced by the Ld. Advocate for the applicant are not sufficient to outweigh the seriousness of the offence and the prima facie material available on record. Having regard to the nature and gravity of the alleged offence and the material collected during the course of investigation, this Court is not inclined to exercise discretion in favour of the applicant. Hence, the following order is passed in the interest of justice.

ORDER

The present Criminal Misc. Application No. 278/2026, filed u/s.483 of B.N.S.S., by the applicant, namely, **SOYAB UMARBHAI JAM** hereby stands rejected.

Signed and pronounced in the open Court on this **11th Day of March, 2026.**

Place :- Morbi
Date :- 11/03/2026

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

HARIOM