

GJNV010004062026 		Presented on :05.03.2026 Registered on :05.03.2026 Decided on :10.03.2026 Duration :YY, MM, DD 00 00 05
---	---	---

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE OF  
NAVSARI, AT NAVSARI.  
(Presided By Mr.M.R.Thakkar)**

**Navsari Rural Police Station Part-C-11822021260040/2026:-  
Criminal Misc. Application No.264/ 2026:-  
Exh. 8**

**Applicant :- Lakhman Vejabhai Khunti Mer by religion,  
Aged 35 years, Occ.Driving,  
Resi.Near Vanand Society, Khapat,  
Porbandar, Tal.Dist.Porbandar.**

**VERSUS**

**Opponent :- The State of Gujarat  
(Notice to be served upon the Public  
Prosecutor Navsari).**

-----  
Ld. Adv. Mr.N.K.Patel, for the applicant.  
Ld.PP Mr.T.C.Sule, for the State.  
-----

**Regular bail application u/s.483 of B.N.S.S.**

**// J U D G M E N T //**

1. The present application has been preferred by the applicant-accused seeking regular bail for the alleged commission of the offence registered at Navsari Rural Police Station Part-C-11822021260040/2026, punishable under Sections 65(A) (E), 116(2), 81, 83, 98(2) of The Gujarat Prohibition Act.
2. In brief, the case of prosecution is that the above-mentioned

FIR has been lodged by the complainant who averred in his complaint that while patrolling on 05.01.2026, 14,712 bottles of country made liquor-whisky, worth Rs.73,45,200/-, and vehicle and mobile phone were recovered from the place of offence, as mentioned in the FIR. The present applicant-accused was caught red handed with the aforesaid muddamal. In these circumstances, present FIR was lodged under above-mentioned sections.

3. Learned Advocate for the applicant-accused has stated that the applicant is innocent and is falsely implicated in the alleged offence. That, he is not directly or indirectly involved in the aforesaid offence. That, the applicant-accused is shouldering the responsibility of his family and if he is kept in jail for a long period, his family will suffer. He has further submitted that investigation is completed and charge-sheet has been filed. That, the applicant-accused is residing at the address mentioned in the application and if he is released on bail, he will not flee away and he will remain present during the trial. The Ld.Adv.for the applicant has also submitted that, the offence is triable by Ld.Magistrate and there is no punishment of life imprisonment or death and hence also, he should be released on bail. He is also ready to abide all the conditions mentioned in the application. Thus, with the aforesaid contention, he has requested to release the applicant on regular bail by imposing appropriate conditions.
4. Notice was duly issued to the State. Learned PP appeared on behalf of the State and filed an Affidavit duly signed by

the I.O. at **Exh.7** and strongly opposed the bail application. Ld. PP further submitted that the offence alleged against the applicant-accused is serious in nature and as such there is every likelihood that applicant-accused may not co-operate in the investigation and may tamper with the same. That, the applicant-accused is caught red handed with the prohibited muddamal and hence, there is a prima facie case against him. That, the applicant-accused is released on bail, he will flee away and investigation will be hindered. Therefore, taking into account the gravity of the offence. it is submitted that present bail application may be rejected.

5. I have heard the rival submissions of the Learned Counsel for the applicant as well as Learned PP for the State and perused entire record along with affidavit of the I.O. and FIR. It is the case of the prosecution that the present applicant has committed offence punishable under section 65(A)(E), 116(2), 81, 83 and 98(2), of the Gujarat Prohibition Act. It is case of the prosecution that, the applicant was caught red handed with the alleged muddamal. It is well settled principle of law that while considering an application for bail, the Court is not expected to conduct a roving inquiry into the merits of the case. It further reveals that, the recovery has already been effected. Considering the principles laid down by the Hon'ble Apex Court in the case of *Sanjay Chandra Vs. CBI (2012) 1 SCC 40*, this Court is conscious of the fact that, "bail is a rule and jail is an exception". The applicant is permanent resident of above-mentioned address and is not

likely to flee away from the justice and his presence can be secured by imposing stringent conditions. The applicant/accused is in custody since 05.01.2026. It also appears that charge-sheet has already been filed. The object of bail is not punitive but to secure presence of accused. The prosecution has not shown any material to indicate that the applicant/accused is likely to abscond or tamper with the witness, if released on bail. The applicant-accused is ready and willing to abide by whatever conditions as may be imposed by the Court. The trial may take long time to conclude and it would be pre-trial conviction in case of rejection of bail. In these circumstances, no purpose would be served by keeping the applicant-accused behind the bars. Hence, at this juncture, without commenting anything on the merits of the case, the discretionary power is utilized in favour of the applicant-accused. In view of the above discussion, following order is passed :-

#### **ORDER**

- (1) The present CRMA No.264/2026 preferred by applicant-accused i.e.**Lakhman Vejabhai Khunti**, for regular bail is hereby **allowed**.
- (2) The applicant-accused be released on bail for the offences registered at registered at Navsari Rural Police Station Part-C-11822021260040/2026, punishable under Sections 65(A)(E), 116(2), 81, 83, 98(2) of The Gujarat Prohibition Act, on furnishing bond in sum of **Rs.1,00,000/- (Rupees One Lac)** with surety of like amount on following conditions:

- (a) The applicant shall not give any promise, threat or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer;
- (b) The applicant shall not leave the territory of India without prior permission of the trial Court and surrender their passport before trial Court within **one week** and if applicant is not having passport the proper affidavit must be filed before trial Court.
- (c) The applicant shall give his correct permanent residential address, mobile numbers, identity proof to the police.
- (d) The applicant shall not involve himself in similar type of another offence.
- (e) The applicant shall not act in the manner injurious to the interest of the prosecution.
- Yadi be issued to the concerned Court & Police Station.
- Bail bond executed before the concerned trial Court.

Signed and pronounced in the open Court today on this 10<sup>th</sup> day of March, 2026 at Navsari.

Date : 10.03.2026  
Place: Navsari.

( **Maheshkumar Ramjibhai Thakkar** )  
I/c. Additional Sessions Judge,  
Navsari  
UID. No.GJ 00963.

jas/-