

GJPM010008102026



IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE,
PANCHMAHALS AT GODHRA.

CRIMINAL MISC. APPLICATION No.256/2026

Exh. _____

Applicant :

Anil Hemchand Mavi
Sub-jail, Godhra.

V E R S U S

Opponent :

The State of Gujarat, Gandhinagar.

Appearance :

Ms. S. P. Chauhan : Ld. Advocate for the applicant
Mr. R. D. Shukla : Ld. APP for the opponent

Application for Regular Bail u/s.483 of BNSS

J U D G M E N T

1. The present bail application is filed by the applicant under Sec.483 of BNSS with respect to the offence registered at Godhra Taluka Police Station vide C.R. No.1316/2025 for the offence punishable under Sec.65AE, 81, 83, 98(2) of the Prohibition Act and Sec.281, 324(4) of BNS and Sec.177, 184 of M.V. Act.

2. The Ld. Advocate on behalf of the applicant-accused has submitted that the applicant came to be arrested in connection with the said offence on 26-12-2025 and at present, he is in judicial custody, hence he has filed the present application. The previous bail application filed by the applicant vide CrMA No.35/2026 was rejected by this Court. It is further contended that the applicant is innocent and has not committed the so-called offence and he is falsely involved in the offence. The investigation is over and charge-sheet is filed against the applicant. The trial will take considerable time. The applicant is in judicial custody for last more than two months. No any muddamal is recovered from the possession of the applicant. The applicant is not the owner of the alleged muddamal either prohibited liquor or the vehicle. The applicant was travelling as a passenger in the alleged vehicle. If the applicant is not released on bail, it will be pretrial conviction. The applicant is not likely to be absconded.

The offence is punishable for imprisonment upto 10 years and it is triable by the Court of Ld. JMFC. The applicant will be abide by the conditions imposed by the Court. The co-accused has been enlarged on bail by Hon'ble High Court vide CrMA No.1539/2026. So, the ld. advocate for the applicant has prayed to grant the present application on the principle of parity.

3. On behalf of the opponent-State, the ld. APP Mr. R. D. Shukla has remained present, as well as, the IO has submitted objection on affidavit vide Exh.5. The ld. APP has argued that the present accused was caught red-handed with conscious possession of huge quantity of prohibited liquor worth Rs.3,15,000/-, transporting in a four-wheeler without valid pass or permit. The earlier bail application of the applicant was rejected by this Court and merely filing of charge-sheet may not be considered as material change in circumstances. It is further argued that the investigation is going on and co-accused are yet to be arrested. So, looking to the seriousness of the offence, the ld. APP has prayed to reject the application.
4. Heard the ld. advocates of respective parties and perused the material on record. As per the case of prosecution, the present applicant-accused was caught red-handed by the police during the blockade with conscious possession of prohibited liquor worth more than Rs.3,00,000/-,

transporting in a four-wheeler without valid pass or permit. The previous bail application of the applicant was rejected by this Court since the investigation was pending against the applicant, at that juncture. Now, the investigation with respect to the present applicant is completed by the IO and charge-sheet is filed against the applicant. So far as the role attributed to the applicant is concerned, it is a matter of evidence and it requires full-fledged trial. The co-accused having similar role has been enlarged on bail by the Hon'ble High Court vide CrMA No.1539/2026 before submission of charge-sheet, whose bail application before submission of charge-sheet was also rejected by this Court. The offence is punishable for imprisonment upto 10 years and it is triable by the Court of Ld. Magistrate. The trial will take considerable time. The applicant is in judicial custody for last more than two months. Looking to the present situation, no justifiable reason appears to keep the applicant in further judicial custody since no further interrogation of the applicant is required. Under these circumstances, if the applicant is kept in further judicial custody, it will be pretrial conviction. Therefore, considering the quantity of muddamal and nature of the offence, when it is triable by the Court of Ld. Magistrate, this Court is inclined to use the judicious discretion in favour of the present applicant. Hence, following order is passed in the larger interest of justice.

ORDER

1. The present bail application is hereby **allowed**.
2. The applicant is ordered to be released on regular bail by submitting surety of **Rs.25,000/-**, as well as, bail bond of the like amount to the satisfaction of the Court in the offence registered at Godhra Taluka Police Station vide C.R. No.1316/2025, on below mentioned conditions :

CONDITIONS :

- i. not to take undue advantage of liberty or abuse liberty and not to involve in any offence;
 - ii. not to act in a manner injurious to the interest of the prosecution;
 - iii. not to leave the limits of State of Gujarat without prior permission of the Trial Court;
 - iv. not to tamper with evidence or terrorize the witnesses concerned;
 - v. must furnish address of residence to the Investigating Officer and also to the Trial Court at the time of execution of bond and shall not change the residence without prior permission of the Trial Court;
 - vi. without fail, must remain present in trial of the case.
 - vii. if the applicant is having passport, he shall deposit the same else file affidavit before the Ld. Trial Court within a week;
3. The Ld. Trial Court may modify any of the above conditions, if appropriate circumstance arises.

4. At the trial, the Trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.
5. Bail is to be given before the concerned competent Court.
6. Yadi be sent accordingly.

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

Date : 06-03-2026

Place : Godhra

(Vaibhav Vasant Mondhe)
5th Additional Sessions Judge,
Panchmahals at Godhra.
Code No. GJ00852