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D M Y

**IN THE COURT OF 3rd ADDITIONAL SESSIONS JUDGE,
AT: DHRANGADHRA**

CRI. MISC. APPLN. NO.187/2026

Exh. 06

Applicant : Mayurkhan Mahammadkhan Malek
Age: 30 years, Occ.: Agriculture,
R/o. Village Zezri, Ta. Patdi,
Dist.Surendranagar,
At Present Sub-Jail, Surendranagar.

Versus

Opponent : The State of Gujarat

Application For Regular Bail Under Section 483 Of BNSS-2023
(Under Section 439 of Cr.P.C., 1973)

Appearance: Mr. U.I. Makwana, L.A. for the applicant.
Mr. V.H.Bhatt, Learned A.P.P. for the opponent.

:: J U D G M E N T ::

- 1) The applicant has filed the present application under Section 483 of BNSS, 2023 (Section 439 of Cr.P.C.) for enlarging him on regular bail in connection with the offence registered before Dhrangadhra City Police Station Cr.No.99/2026 for the offences punishable under Sections 65(A)(E), 116(B), 98(2), 81 of the Prohibition Act.
- 2) The Ld. Advocate for the applicant has vehemently argued that the present applicant is innocent and has no direct involvement

in the offence. The applicant is the bread winner of his family. The applicant has not committed any offence and has been falsely implicated in the offence. The applicant is in judicial custody since 22/05/2026. The applicant is ready and willing to comply with the conditions imposed by the Court. It is further submitted that the police has not seized any muddamal from the conscious possession of the applicant accused. It is submitted that, there is no role of the applicant accused. Further, it is stated that, earlier, the applicant accused has filed bail application vide Cr.M.A.No.156/2026 which was rejected by this Court. The investigation against the present applicant accused is completed and chargesheet has been filed. It is further submitted that, the present applicant/accused is law abiding person and is ready and willing to abide by the terms and conditions that may be imposed by this Court. Hence, the applicant has prayed to release him on regular bail.

- 3) Per contra, learned A.P.P., Mr.V.H.Bhatt has vehemently opposed the bail application of the applicant/accused and submitted that the police has recovered the muddamal, i.e., English liquor 24 bottle and 911 tin, in total worth Rs.2,73,300/- from the accused. It is likelihood that, the applicant accused may flee away and tamper with the evidences, if he is released on bail. The investigation against the co-accused is going on. Further, there are past antecedents of the applicant accused. Therefore, learned A.P.P. Mr.V.H.Bhatt has requested to reject the bail application of the applicant/accused.
- 4) I have also considered, the affidavit of I.O. it transpires that, along with the present case, the case registered against the applicant is against the public interest and liquor selling

business is hazardous to the society. Individual interest will not prevail over the public at large and safety, security and society of the people must be taken into consideration. I have considered the arguments advanced by learned advocate Mr.U.I. Makwana for the applicant/accused and learned A.P.P. Mr.V.H. Bhatt for the State of Gujarat. I have also gone through police papers including the affidavit filed by the investigating officer at Exh.5. Looking to the police papers including the F.I.R. and seizure of the muddamal and considering the fact of the case, it appears that the police has recovered muddamal, i.e., English liquor 24 bottle and 911 tin, in total worth Rs.2,73,300/- from the accused. Further, it appears from the record that, earlier, the applicant accused has filed bail application vide Cr.M.A.No.156/2026 which was rejected by this Court. The investigation against the present applicant accused is completed and chargesheet has been filed. Thus, considering the fact that the alleged offences are triable by learned Magistrate and perusing the material placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the applicant/accused and that accused is in custody since 22/05/2026 and the investigation is concluded and chargesheet has been filed and there is no record that accused had been convicted as alleged by the prosecution, hence, without discussing the evidence in detail, this Court is of the opinion that this is a fit case to exercise the discretion in favour of the present applicant/accused. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of ***Sanjay Chandra V/s. Central Bureau of Investigation***, reported in (2012) 1 SCC 40. Looking to the overall facts and circumstances of the present case, I am inclined to grant this

application. Hence, I pass following order in the interest of justice:

ORDER

1. The present application for regular bail U/s. 483 OF B.N.S.S. (439 of Cr. P. C.) is hereby **allowed**.
2. The present applicants, namely, **Mayurkhan Mahammadkhan Malek** is ordered to be released on regular bail for the offences under Section **65(A)(E), 116(B), 98(2), 81** of the Prohibition Act, registered with the **Dhrangadhra City** Police Station vide **Cr.No.99/2026** on furnishing surety of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with personal bond of like amount subject to conditions as follows:-
 - The applicant shall marks the presence before the concerned police station once in each month of English Calender between 11.00 am to 2.00 pm, till six months from date of order.
 - The applicant shall not involve in similar type of another offence.
 - At the time of execution of bond, the applicant shall furnish the address to the Courts concerned, and if the applicant change the residence, then the applicant shall disclosed the new residence before the Court within the 15 days.
 - The applicant shall not leave Gujarat without the permission of the Court and if, having Passport, the applicant shall deposit the same before the trial Court within a week.

Pronounced in the open Court today, this **1st** day of **July, 2026**.

Date :01/07/2026
Dhrangadhra.

(Mukeshbhai Pratapbhai Chaudhari)
3rd Additional District & Sessions Judge,
Dhrangadhra.
(GJ00653)