

Filed on : 25/06/2026
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Decided on : 01/07/2026
Duration : 06 - 00 - 00
D M Y

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

CRI. MISC. APPLN. NO.188/2026

Exh. _____

Applicant: 1] **Sajjansinh Bherusinh Bhavarsinh Chauhan**
Age: 28 years, Occ.:Business
R/o. Bavarla, Ta. Sanchor,
Dist. Jhalor, State: Rajasthan.

2] **Imtiaz @ Akki Hasambhai Jusubbbhai Saiyad**
Age: 31 years, Occ.: Business
R/o. Narshipara, Ta. Dhrangadhra,
Dist. 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 applicantd have filed the present application under Section 483 of BNSS, 2023 (Section 439 of Cr.P.C.) for enlarging them on regular bail in connection with the offence registered before Dhrangadhra Taluka Police Station Cr.No. 11211016260381/2026 for the offences

punishable under Sections 65(A)(E), 116(B), 81, 98(B) of the Prohibition Act.

- 2) The Ld. Advocate for the applicants have vehemently argued that the present applicants are innocent and have no direct involvement in the offence. The applicants are the bread winner of their family. The applicants have not committed any offence and have been falsely implicated in the offence. The applicants are in judicial custody since 21/06/2026. The applicants are 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 applicants accused. It is submitted that, there is no role of the applicants accused. It is further submitted that, the present applicants/accused are law abiding persons and are ready and willing to abide by the terms and conditions that may be imposed by this Court. Hence, the applicants have prayed to release them on regular bail.
- 3) Per contra, learned A.P.P., Mr. V.H.Bhatt has vehemently opposed the bail application of the applicants/accused and submitted that the police has recovered the muddamal, i.e., English liquor vodka 432 chapla of 180ml worth Rs. 54,000/-, 288 chapla vodka of 180ml worth Rs. 36,000/-, 96 chapla vodka of 180ml worth Rs. 12,000/-, 96 chapla vodka of 180ml worth Rs. 12,000/-, 504 beer tin worth Rs. 63,000/-, 144 beer tin worth Rs. 14,400/-, 8 bottles of vodka worth Rs. 5,000/-, 6 bottles of vodka worth Rs. 3,750/- in

total prohibition muddamal worth Rs. 2,00,150/- from the accused. It is likelihood that, the applicants accused may flee away and tamper with the evidences, if they are released on bail. The investigation is going on. Therefore, learned A.P.P. Mr.V.H.Bhatt has requested to reject the bail application of the applicants/accused.

- 4) I have also considered, the affidavit of I. O. it transpires that, along with the present case, the case registered against the applicants are 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 vodka 432 chapla of 180ml worth Rs. 54,000/-, 288 chapla vodka of 180ml worth Rs. 36,000/-, 96 chapla vodka of 180ml worth Rs. 12,000/-, 96 chapla vodka of 180ml worth Rs. 12,000/-, 504 beer tin worth Rs. 63,000/-, 144 beer tin worth Rs. 14,400/-, 8 bottles of vodka worth Rs. 5,000/-, 6 bottles of vodka worth Rs. 3,750/- in total prohibition muddamal worth Rs. 2,00,150/- from the accused. 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 applicants/accused and that accused is in custody since 21/06/2026 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.439 of Cr. P. C. is hereby **allowed**.
2. The present applicants, namely, 1] **Sajjansinh Bherusinh Bhavarsinh Chauhan**, 2] **Imtiaz @ Akki Hasambhai Jusubbbhai Saiyad** are ordered to be released on regular bail for the offences under Section **65(A)(E), 116(B), 81, 98(B)** of the Prohibition Act, registered with the **Dhrangadhra Taluka** Police Station vide **Cr.No. 11211016260381/2026** on furnishing surety of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** each with personal bond of like amount subject to conditions as follows:-

- The applicants shall mark the presence before the concerned police station once in each month of English Calendar between 11.00 am to 2.00 pm, till chargesheet.
- The applicants shall not involve in similar type of another offence.
- At the time of execution of bond, the applicants shall furnish the address to the Courts concerned, and if the applicants change the residence, then the applicants shall disclose the new residence before the Court within the 15 days.
- The applicants shall not leave Gujarat without the permission of the Court and if, having Passport, the applicants 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)

V.M.Nair