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Decided on	10	03	2026
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**IN THE COURT OF 2nd ADDITIONAL DISTRICT &
SESSIONS JUDGE, SURAT AT SURAT.**

Criminal Misc. Application No. 1639/2026

Exh. __

Applicants:

1. Surjit Vijaysingh Chauhan

Age: 27 years, Occupation: Labor work,

Address: House No. 178, Haridham Society,
Kadodara, Surat.

2. Rohit Rameshbhai Gupta

Age: 25 years, Occupation: Labor work,

Address: House No. 348, Ganeshnagar Society,
Pandrasara, Surat.

3. Hiren Arvindbhai Mistri

Age: 44 years, Occupation: Labor work,

Address: Khadi Faliya, near Ambaji Temple,
Morabhagal, Surat.

4. Rekhaben Maheshbhai Nayaka

Age: 40 years, Occupation: Labor work,

Address: Hariyaveri Faliya, Taluka & District
Valsad.

5. Pravinaben Jigneshbhai Rana

Age: 50 years, Occupation: Labor work,

Address: House No. 201, Ambaji Road, Balaji Akhada, Chauta Bazaar, Surat.

VERSUS

Opponent:

The State of Gujarat.

Appearance:

Ld. Advocate Shri. P. B. Shah for the Applicant.

Ld. D.G.P. Shri. N. L. Sukhadwala for the State.

AN APPLICATION UNDER SECTION 483 OF THE BNSS

: JUDGMENT :

- 1) Present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”), wherein the applicant seeks a Regular bail in connection with FIR No. C-11212051260314/2026, registered at Surat Railway Police Station, Surat, for the offences punishable under Sections 65(E),116(B),81 of the Gujarat (Bombay) Prohibition Act, 1949.
- 2) On being served with the process, the Ld. Public Prosecutor appeared for the opponent - State. The Investigating Officer has submitted his affidavit vide Exh. 4.
- 3) The Ld. advocate for the applicants/accused has submitted that the accused are innocent and has been falsely implicated in this case. It is further submitted that the accused were produced before the Hon’ble Court on 28/02/2026 with a

request for 7 days police remand, which was granted till 02/03/2026. Thereafter, the applicants/accused preferred a bail application under Section 480 of the BNSS, which came to be rejected by the learned Court, and the applicants were remanded to judicial custody and sent to Lajpore Central Jail, Surat as undertrial prisoners. Since then, the applicants have been in judicial custody. It is further submitted that the applicants have not committed any offence as alleged and are innocent persons. They have no direct or indirect involvement in the alleged offence. The offences alleged against them are not punishable with death or life imprisonment, and the maximum punishment prescribed is up to 10 years. The learned advocate further submitted that the applicants are not likely to abscond, as they are labourers by occupation and have been residing at the addresses mentioned in the application for many years. If the applicants remain in jail for a longer period along with hardened criminals, it would cause serious adverse impact on their mental condition. It is also submitted that the trial of the present case is triable by the learned JMFC Court, and considering the pendency of numerous cases before the Court, the trial may take considerable time to conclude. In such circumstances, continued detention of the applicants would amount to pre-trial punishment. It is further submitted that the applicants are not the main accused and they are not involved in the business of liquor. On reading the complaint, it appears that the applicants have been wrongly implicated by the Surat Railway Police only to exert pressure. The applicants have no knowledge regarding the alleged

muddamal and the complaint appears to have been registered with the intention of falsely implicating them. It is also submitted that the applicants are the only earning members of their respective families, and their families are dependent upon them for livelihood. Therefore, considering these circumstances, the applicants may kindly be released on regular bail. It is also submitted that co-accused has been released on bail vide Order passed in Cr.M.A. No. 3155/2026 and therefore, the present applicant may be released on bail on the ground of parity. The applicants are ready and willing to abide by any conditions that may be imposed by the Hon'ble Court. The complainant and members of the raiding party are police officials, therefore there is no possibility of tampering with evidence or influencing witnesses. Considering the above facts, the learned counsel prayed that the applicant be granted regular bail.

- 4) On the other hand, the Learned Public Prosecutor (Ld. DGP), appearing on behalf of the respondent-State, opposed the present bail application, arguing that the alleged offence is of a serious nature. It is further submitted that from the facts stated in the affidavit and the papers of investigation, it clearly appears that the applicants/accused along with other accused persons were found transporting Indian Made Foreign Liquor and beer cans/bottles without valid pass or permit in a railway train within the prohibition area of Gujarat. It is further submitted that some accused persons had fled from the spot, and the present applicants were

apprehended during the raid. The learned DGP further submitted that accused Nos. 1 and 2 are residents of other states, accused No. 3 does not have a permanent residence in Surat, and the female accused also do not have fixed local residence in Surat. Therefore, if they are released on bail, there is a possibility that they may abscond or again indulge in similar illegal activities. The learned DGP also pointed out that the applicants have criminal antecedents and have been involved in similar offences previously, as reflected in the records of various police stations including Surat Railway Police Station, Vapi Railway Police Station, Rander Police Station, Varachha Police Station, and others. It is further submitted that the investigation of the offence is still in progress, and considering the nature of the offence and the antecedents of the accused, the applicants should not be released on bail. Therefore, the learned APP requested the Court to reject the present bail application in the interest of justice.

- 5) The granting or rejecting the bail application is a discretionary relief. The Court is duty-bound to exercise its discretion judiciously, with due caution, and in strict adherence to the fundamental principles laid down by the Hon'ble Supreme Court and Hon'ble High Court in numerous decisions regarding the grant of bail. It is well established that several key factors must be considered while deciding a bail application, including, (i) the nature and seriousness of the accusation; (ii) the applicant's criminal history, if any, particularly past convictions involving

cognizable offences; (iii) the likelihood of the applicant fleeing from justice; and (iv) whether the accusation appears to have been made with the intent to harass, injure, or humiliate the applicant through arrest. Also, at the bail stage, a detailed analysis of the evidence or findings that may prejudice the accused should be avoided.

6) I have heard the learned advocate appearing for the applicants and the learned DGP for the State at length. I have also perused the record of the case, the papers of investigation, and the submissions made by both sides. It appears that the applicants have been in judicial custody since 02/03/2026. The offences alleged against them are triable by the learned JMFC Court and are not punishable with death or imprisonment for life. *Muddamal* is already seized by police, hence, there is no any recovery/discovery is left from the present applicants. It further appears that investigation qua the present applicants is already over and charge-sheet is also filed and now there is no requirement of further custody of applicants-accused. It is further required to be noted that co-accused has already been enlarged by Hon'ble Court Vide Cr.M.A No. 3155 of 2026 and considering the role of present applicants, they are also entitled for benefit of parity.

7) Under such circumstances and aforesaid reasons, the discretionary power under Section-483 of BNSS, 2023 may be exercised in favour of the accused. In view of the aforesaid discussion, this court is inclined to grant this application for bail on imposing conditions to secure his

presence at the time of trial so I hereby pass following order in the interest of justice.

ORDER

- The application for bail filed by the present applicant-accused is hereby **ALLOWED**.
- The applicant-accused is hereby ordered to be released on bail on execution of personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) and one surety of like amount and subject to following conditions;
 1. The applicants/accused Shall not influence the prosecution witnesses;
 2. The applicants/accused shall submit an Affidavit regarding their present and permanent residential address along with running mobile number within 7 days from being released from jail before Ld. Trial Court.
 3. The applicants/accused shall surrender their passport into the Court, if they possess and if, they do not possess passport, then they shall submit an affidavit regarding same before Ld. Trial Court.
 4. They shall not leave the territory of India without prior permission of the court.
 5. The applicants/accused shall appear before the court without fail and trial court should alter, delete or modified of above conditions.
 6. The applicants/accused shall not tamper with evidence;

- Yadi of this order be sent to all the concerned for knowledge, information and compliance.

Signed and Pronounced in the open Court today i.e. on 10th March, 2026.

Date:10-03-2026
Surat.

(Rakesh Rajnikant Bhatt)
2nd Additional Sessions Judge,
Surat
(Unique ID Code: **GJ00608**)

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