

GJVD200004232026



Received on : 23.03.2026
Registered on : 23.03.2026
Decided on : 25.03.2026
Duration : 00 00 02
Years Months Days

IN THE COURT OF 9TH ADDL. SESSIONS JUDGE
VADODARA AT SAVLI

CRIMINAL MISC. APPLICATION NO.116 OF 2026

Exhibit :

APPLICANT: **HITESHKUMAR @ BHOLO**
RAMESHBHAI MAKWANA
Aged: 24 Yrs., Occupation: Farming
R/o. Narsinhapura, Ta. Waghdoiya
Dist. Vadodara.

V E R S U S

OPPONENT: **The State of Gujarat**

Appearance:

Mr.A.S.Parmar : Learned Advocate for the applicant-accused.
Mr.C.G.Patel : Learned APP for the State.

Application seeking Regular Bail
under Section 483 of the BNSS

-:: O R D E R ::-

1. By way of this application preferred under Section 483 of Bharatiya Nagrik Suraksha Sanhita (for short “BNSS”), the present applicant–accused has prayed to enlarge him on regular bail in connection with the F.I.R. bearing C.R.No.11197057260460/2026 registered at Waghodiya Police Station, Vadodara Rural, for the offences punishable under Sections 65(a), 65(e) of the Gujarat Prohibition (Amendment) Act, 2017.
2. On service of notice, Mr.C.G.Patel, learned Assistant Public Prosecutor, appeared for the State and filed affidavit of the Investigating Officer at Exhibit 4.
3. Heard learned advocate for the applicant–accused as well as learned APP for the State.
4. Learned advocate appearing for the applicant–accused has reiterated the grounds stated in the application and prayed to release the present applicant–accused on bail. He has further submitted that the applicant–accused is innocent and he is not involved in the offence directly or indirectly but he has been falsely implicated in the offence. He has further submitted that the muddmal has not been recovered from conscious possession of the applicant–accused. He has further submitted the place from which the muddamal was recovered, does not belong to the applicant–accused. He has further submitted that the trial of the case may take long time and if the applicant–accused is not released on bail, it may amount to pre-trial conviction. He has further submitted that the applicant–accused is permanently

residing at the address mentioned in cause title and therefore, there is no possibility of his fleeing. He has further submitted that the applicant-accused has responsibility of his family and if the applicant-accused is not released on bail, his family will have to suffer hardship. The applicant-accused is ready to abide by conditions that may be imposed by the Court and therefore, he has requested this Court to enlarge the present applicant-accused on regular bail on appropriate conditions.

5. Referring to the affidavit of I.O., the learned APP Mr.C.G.Patel for the State, has submitted that looking to the nature of the offence and the involvement of the applicant-accused in the offence, he should not be released on bail. He has further submitted that as there is prima facie case against the applicant-accused and the investigation is going on, the applicant-accused should not be released on bail. He has further submitted that the applicant-accused has criminal antecedent. He has further submitted that if the applicant-accused is released on bail, he may not remain present during the trial and the trial may be delayed unnecessarily. Hence, the learned APP has requested to reject the present application.

6. Upon hearing learned advocates for the rival sides and going through the record, it is apparent that the muddamal has already been recovered by the Investigating Officer. It is further apparent that the applicant-accused was remanded to the police custody after his arrest and therefore, it can be said that there is no further recovery or discovery from the present applicant-accused is pending. Further, the offences alleged against the applicant-accused are triable by the Court of learned Magistrate.

If the applicant-accused is not released on bail, it may amount to pre-trial conviction. Further, the applicant-accused is a local resident and therefore, the possibility of his fleeing is negligible. Therefore, I am of the view that this is the fit case to exercise discretion in favour of the applicant-accused and hence, I pass the following order in the interest of justice.

:: ORDER ::

1. The present Criminal Misc. Application is allowed.
2. The applicant-accused namely **HITESHKUMAR @ BHOLO RAMESHBHAI MAKWANA** is hereby ordered to be released on regular bail in connection with the F.I.R. bearing C.R.No.11197057260460/2026 registered at Waghodiya Police Station, Vadodara Rural, for the offences punishable under Sections 65(a), 65(e) of the Gujarat Prohibition (Amendment) Act, on executing personal bond of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with surety of the like amount subject to the following conditions that he shall;
 - (a) not directly or indirectly make any inducement, give threat or promises to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence;
 - (b) maintain law and order and not indulge in any criminal activities of similar nature;
 - (c) not leave India without prior permission of the Court;

- (d) surrender passport, if any, within a week before the trial Court. If do not possess passport, he shall file an affidavit to that effect;
 - (e) mark his presence before the concerned Police Station on **4th Wednesday** of every month till six months;
 - (f) furnish the complete documentary proof of latest & permanent address of his residence to the Investigating Officer and also to the Court and shall not change the residence without prior permission of the Court concerned;
 - (g) provide his contact number as well as the contact number of the surety before the concerned Court and shall not change such contact numbers without informing to the Court concerned;
 - (h) shall not act in a manner injurious and prejudice to the interest of the prosecution;
 - (i) not obstruct or hamper the police investigation or tamper with evidence or influence the witnesses;
 - (j) not take undue advantage of liberty or misuse liberty.
3. The applicant-accused is directed to declare properties owned by him or to which he is likely to succeed.
4. Bail Bond be furnished to the satisfaction of the learned trial Court.

5. The Jail Authorities will release the applicant-accused only if he is not required in connection with any other offence for the time being.
6. Breach of any of the above conditions shall invite cancellation of bail and the Investigating Officer concerned will be free to take appropriate action in the matter.
7. Copy of this order be sent to the concerned Police Station/Court as well as jailor by email for being communicated to applicant under intimation to this Court.

**Signed and pronounced in open Court today
i.e. on 25th day of March, 2026.**

**Place: Savli.
Date : 25.03.2026**

**(A.M.Varma)
9th Additional Sessions Judge,
Vadodara at Savli
(GJ-00577)**