

GJVL010006732026



Presented on : 02-06-2026

Registered on : 02-06-2026

Decided on : 05-06-2026

Duration : 03 Days

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, VALSAD
AT : VALSAD

[Presided Over by D.J. Shah]

Criminal Misc. Application (For Regular Bail) No. 329 of 2026

Exhibit No.: _____

Vivekkumar Amarnathsingh Shrinarayansingh Singh

R/o. Room No. - 105, In the Room of Ashapuri Birendrasingh,
Near Piyush Point, Pandesara, Surat City

Permanent R/o. Village Chakamujaphar,
Thana Navakothi, Tal. Begusarai, Bihar

: : : Applicant

VERSUS

The State of Gujarat

: : : Opponent

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Appearances :-

Ld. Adv. Mr. H.S. Desai for the applicant/accused.

Ld. Addl. P.P. Mr. N.D. Prajapati for the opponent – State.

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Application filed under : Section **483** of Bharatiya
Nagarik Suraksha Sanhita,
2023.

Offence punishable under : Sections **65(a)(e), 81, 83,**
98(2) & 116B of Gujarat
Prohibition Act, 1949.

: Sections **111(2)(b), 111(3),**
111(4), 336(2), 336(3),
340(2) & 54 of Bharatiya
Nyaya Sanhita, 2023.

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::: O R D E R :::

(1) The present application has been preferred by the present applicant/accused under the provisions of **Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023**, seeking Regular bail, in connection with offences punishable under **Sections 65(a)(e), 81, 83, 98(2) & 116B of Gujarat Prohibition Act, 1949** and **Sections 111(2)(b), 111(3), 111(4), 336(2), 336(3), 340(2) & 54 of Bharatiya Nyaya Sanhita, 2023**, registered with **Valsad Rural Police Station** vide **CR No.11200011260358/2026**, after filing of the charge-sheet.

(2) The application came to be registered and notice was issued to the opponent-State.

(3) On behalf of the present applicant/accused, Ld. Advocate has vehemently contended that the present applicant/accused has not committed any offence. The Investigating Officer has tried to falsely implicate the present applicant/accused in the offence alleged. It is further submitted that the present applicant/accused was arrested on 20.02.2026. It is further submitted that the investigation in the present case has already been completed and the charge-sheet has been filed before the competent Court. The case has also been committed to the Court of Sessions and is registered as Sessions Case No. 09 of 2026. Therefore, no further custodial interrogation of the present applicant/accused is required and no useful purpose would be served by keeping him in continued custody. It is further submitted that the present applicant/accused has no criminal antecedents. It is further submitted that one of the co-accused involved in the same offence has already been granted anticipatory bail by the

competent Court. Therefore, on the principle of parity, the present applicant/accused is also entitled to be enlarged on regular bail. Furthermore, the Investigating Officer had already obtained the necessary remand for investigation and, therefore, the presence of the present applicant/accused in custody is no longer required for the purpose of investigation. It is further submitted that the present applicant/accused has been residing at the aforesaid address and therefore, he is not likely to flee away from justice. It is further submitted that the present applicant/accused is the sole bread-winner in his family and has all the responsibilities to maintain his family. It is also submitted that the present applicant/accused is ready and willing to abide by all the conditions which may be imposed by the Court. Therefore, considering the law laid down by the Hon'ble Supreme Court, the present applicant/accused may kindly be released on bail.

(4) On service of notice, Ld. Addl. P.P. has appeared and strenuously opposed the bail plea of the applicant/accused and filed affidavit of Investigating Officer. It is further submitted that the present applicant/accused is alleged to be cleaner of the vehicle from which the alleged muddamal i.e. 7864 bottles (1876.88 Litres) of Indian Made Foreign Liquor worth Rs.23.87,800/- were recovered and he was caught red-handed by the police while transporting the same. It is further submitted that the investigation in the present case has been completed and the charge-sheet has already been filed. However, nine co-accused persons are yet to be apprehended. If the present applicant/accused is released on bail at this crucial stage, there is

a strong likelihood that he may assist the absconding co-accused in evading arrest or may himself abscond, thereby hampering the ongoing investigation. Therefore, continued custody of the applicant/accused is necessary to ensure an effective and fair investigation and therefore, it is prayed by the Ld. Addl. P.P. that the bail application of the present applicant/accused may be rejected.

(5) Heard the Ld. Advocates for both the sides and perused the material placed on record. The present applicant/accused is alleged to be cleaner of the vehicle from which the alleged muddamal i.e. 7864 bottles (1876.88 Litres) of Indian Made Foreign Liquor worth Rs.23.87,800/- were recovered and he was caught red-handed by the police while transporting the same. Though the investigation in the present case has been completed and the charge-sheet has been filed, nine co-accused are yet to be apprehended. In these circumstances, there exists a reasonable apprehension that if the present applicant/accused is released on bail at this stage, he may either abscond or facilitate the evasion of arrest by the absconding co-accused, thereby hampering the course of justice. While it is noted that certain the co-accused have been granted bail, the role attributed to the present applicant/accused is distinct and more direct and therefore, the principle of parity is not applicable. In view of the nature and gravity of the offence, the antecedents of the present applicant/accused, and the stage of the proceedings, this Court is not inclined to exercise discretion in favour of the present applicant/accused and hence, the following order is passed in the interest of justice :-

::: O R D E R :::

The present Regular Bail Application filed by the applicant/accused is hereby ordered to be **rejected**.

Signed & pronounced in the open Court today on **June 05th, 2026**.

Date : 05.06.2026

Place : Valsad

[D.J. Shah]
Additional Sessions Judge,
Valsad
(Code No. GJ00392)