

GJMR010024412026



Received on : 21/07/2026
Registered on : 21/07/2026
Decided on : 27/07/2026

Exh. : 06

IN THE COURT OF 3rd ADDITIONAL SESSIONS JUDGE,
MORBI.

Cri. Misc. Appln. No.1122/2026

Applicant :-

TILOKSINH DUNGARSINH JUTA
AGE-22 YEARS, OCC. DRIVING,
R/O. PADAPPURA, ATITMAND,
TA. & DIST – BYAVAR,
RAJASTHAN.

AT PRESENT SUB JAIL, MORBI.

Vs.

Opponent :-

THE STATE OF GUJARAT,
THROUGH P. P., MORBI.

BEFORE SHRI M. R. NADPARA
3rd ADDITIONAL SESSIONS JUDGE, MORBI.

Advocates:-

Mr. R. B. Basiya / Mr. V. K. Varasada, Ld. Adv. for
Applicant/Accused.

Mr. V. C. Jani, Ld. P. P. for Opponent/State.

-:: JUDGMENT ::-

- [1] This application has been filed by the applicant, to enlarge him on regular bail, u/s.483 of B.N.S.S., in connection with the offence registered with Maliya-miyana Police Station vide C. R. No.0457/2026, for the offences u/s.65(a) (e), 116(b) and 98(2) of the Prohibition Act.
- [2] The notice was issued to the other side. The Ld. P. P. Mr. V. C. Jani, has appeared on behalf of the State, filed affidavit of Investigating Officer vide Exh.5 and resisted the present application.
- [3] It is alleged that the present applicant/accused, in connivance with other co-accused, was involved in the illegal transportation of 468 bottles of Indian Made Foreign Liquor and 232 Quarter bottles of Indian Made Foreign Liquor worth of Rs. 4,21,296/-. Upon checking, the investigating agency recovered a total 468 bottles of Indian Made Foreign Liquor and 232 Quarter bottles of Indian Made Foreign Liquor, worth of Rs. 4,21,296/-, from a Truck bearing Registration No. RJ-19-GE-9114, intended for sale without the requisite license or permit. It is alleged that the present applicant/accused has actively participated in the illegal possession, transportation and sale of liquor, with an understanding to obtain monetary gains. By such acts, the applicant/accused is alleged to have committed the offences as stated in the FIR.
- [4] The Ld. Advocate for the applicant/accused has argued

before the Court that the applicant/accused is innocent and not committed any offence and he was wrongly arraigned in the alleged offence. It is further submitted that the accused was not present at the place of offence and the said Muddamal does not belong to the present applicant/accused. The present applicant/accused is merely working as driver. He further submitted that present applicant/accused is in Judicial Custody since 17.07.2026. It is further submitted that the applicant/accused is resident of Rajasthan and he will remain present during trial. Hence, Ld. Advocate for the applicant/accused has prayed before this Court that the application of applicant/accused requires to be granted.

- [5] The Ld. P.P., Mr. V. C. Jani has drawn the attention of this court towards FIR, affidavit and police papers and has strongly objected this application and has submitted that the alleged offence is very serious and present applicant/accused was involved in illicit transportation of huge amount of liquor. He further submitted that the Government has made the prohibition law more stringent to curb the menace of liquor and during the investigation, the police recovered a total 468 bottles of Indian Made Foreign Liquor and 232 Quarter bottles of Indian Made Foreign Liquor, worth of Rs. 4,21,296/- from a Truck bearing Registration No. RJ-19-GE-9114, intended for sale without the requisite license or permit and the present applicant/accused is alleged for transporting the said

liquor. He further argued that he has played active role in the alleged offence, and hence, there is prima facie case against the present applicant/accused person. Ld. P.P. further submitted that the said liquor was sent by co-accused Kishan, who is not arrested yet. Moreover, there is possibility that if the applicant/accused is released on bail, he may temper with the evidence. Furthermore, the applicant is habitual offender and there is another case registered against him at Raipur Police Station, Byavar, Rajasthan and he was taken into custody through transfer warrant. He also argued that there is possibility, present applicant/accused will not remain present during the trial if bail application of present applicant is allowed. Hence, Ld. P.P. has prayed before this Court that regular bail application of applicant/accused requires to be dismissed.

- [6] Having heard the learned advocates for both sides and upon perusal of the FIR, affidavit of the Investigating Officer, and the police papers produced on record, this Court finds that 468 bottles of Indian Made Foreign Liquor and 232 Quarter bottles of Indian Made Foreign Liquor, worth of Rs. 4,21,296/-, was recovered from a Truck bearing Registration No. RJ-19-GE-9114, which was driven and alleged to have been possessed by the present applicant/accused. The material on record prima facie indicates the active involvement of the present applicant-accused in the illegal transportation of the said illicit liquor. These circumstances, at this stage, disclose a prima

facie case against the applicant. The investigation papers reveal that the accused had absconded and was subsequently arrested in an offense under the Rajasthan Excise Act, 1950. His custody in the present offense was obtained via a transfer warrant from the Court of the Learned Additional Chief Judicial Magistrate, Beawar. Furthermore, in that case as well, the accused had concealed the liquor beneath the sand loaded in the trailer. The offences alleged are serious in nature and relate to large-scale violation of the provisions of the Prohibition Act. Moreover, investigation is at crucial stage. The object of the stringent provisions of the Prohibition law is to curb the menace of illegal liquor trade, and such activities adversely affect public order and public health. The apprehension expressed by the prosecution that the applicant may tamper with evidence or influence witnesses or flee away, particularly when investigation is at crucial stage, cannot be said to be unfounded at this stage. Considering the seriousness of the allegations, the prima facie material available on record, the manner in which the offence is alleged to have been committed, and the overall facts and circumstances of the case, this Court is not inclined to exercise discretion in favour of the applicant at this stage. Hence, following order is passed in the interest of justice.

ORDER

The present bail application is hereby rejected on merits.

Signed and pronounced in the open Court on this 27th Day
of July, 2026.

Place :- Morbi
Date :- 27/07/2026

(Mitalkumar Rasikbhai Nadpara)
3rd Addl. Sessions Judge,
Morbi
Judge Code GJ00840

KVA

