

GJSR010099662026



Received on : 23.07.2026

Registered on : 23.07.2026

Decided on : 31.07.2026

Duration : 00Y 00M 08D

**IN THE COURT OF 9TH ADDITIONAL SESSIONS JUDGE,
(ATROCITY), SURAT.**

Exh. _____

Criminal Misc.(Regular Bail) Application No. 5387/2026

Applicant / Accused :-

Bharat Alias Patti Chhaganbhai Mevada,

Aged : 40 yrs., Occupation : Brokerage,

Resi. At : G/2, Shivaranjani Apartment, Druv Tarak Society,

Ved Road, Katargam, SURAT.

At Present : Central Jail of Lajpore, Surat.

V E R S U S

Opponent :

State of Gujarat,

Appearance :

Ld. Advocate for the applicant : Mr. M. U. Galchar.

Ld. Sp. P. P. for the State : Mr. V. N. Modi

**APPLICATION FOR REGULAR BAIL UNDER SECTION
483 OF THE BHARTIYA NAGARIK SURAKSHA
SANHITA, 2023.**

J U D G M E N T

- (1) Present application is filed by the applicant, under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in connection with an offence registered against him before Chowk Bazar Police Station being C.R.NO. C-11210012260904/2026 for the offence under Section 65(A)(E), 81, 83, 98(2) & 116(B) of Prohibition Act and under sections 111(2)(B), 111(3) & 111(4) of B.N.S. Act, 2023.
- (2) Notice was issued to the opponent State. Learned Special Public Prosecutor Mr. V. N. Modi has appeared for the state. Investigating Officer has filed his affidavit vide Exh.4.
- (3) Heard Learned Advocate Mr. M. U. Galchar for the applicant. He has submitted that the applicant was apprehended only on the ground that he was present when the raid was carried out. He has further submitted that the Muddamal contraband liquor has been recovered. He has further submitted that the imprisonment of the alleged offence is of ten (10) years, trial will take its own time to conclude. All the witnesses are police personnel. The applicant shall remain present at the time of trial. The applicant is ready to abide by the conditions that may be imposed by this Court while releasing him on regular bail. He has further submitted that the right of the applicant is

violated by the IO as he has been not produced before the Magistrate within 24 hours of his arrest. He has further submitted that as per the provisions of B.N.S.S., and the provision of Constitution of India; the applicant must be produced before the Magistrate within 24 hours from his arrest/detention. As he has not been produced within 24 hours of his arrest before the Magistrate so that he is entitled to get bail. He has further submitted that one co-accused namely Madram S/o Jogaram Ratnaji has also been arrested along with the present applicant. Madram S/o Jogaram Ratnaji has filed Criminal Revision Application No. 294/2026 on the ground that he has not produced within 24 hours of his arrest before the Magistrate, therefore, his arrest is illegal and bad in law. His revision application has been allowed and it was held that the arrest is illegal and bad in law and consequently he has been released on regular bail, therefore, the present applicant is also entitled to be released on bail on the ground of principle of parity. He has further submitted that though the IO had shown thirteen offences have been registered against the present applicant but merely antecedents is not the only ground for denial of bail, if otherwise he has made out a case for grant of bail. Ultimately, he has prayed to enlarge the applicant on regular bail. To buttress his arguments, he has relied upon the judgments rendered by the Hon'ble Supreme Court and Hon'ble High Courts.

1. Prabhakar Tiwari V/s State of UP, 2020 (0) AIJEL_SC 65674.
2. R. S. Jejariwal V/s State of Rajasthan, 1991 (3) Crimes (HC) 63.
3. Anil @ Dabil M. Bariya V/s State of Gujarat, Cri. Misc. Application No. 1414/2018 (For Regular Bail)
4. Ranjit @ Rajesh @ Bodiyo R Parmar V/s State of Gujarat.
5. Maulana Moh. Amir Rashadi V/s State of UP, 2012(0) GLHEL-SC-50843.
6. Arjan @ Arjun L. Rathod V/s State of Gujarat, Criminal Misc. Application No. 25233/2025 (For Regular Bail before Charge-sheet)
7. Amitkumar @ Ambu K. Talpada V/s State of Guajrat, Criminal Misc. Application No. 700/2026. (For Regular bail -before charge-sheet)
8. Nikunj A Garaniy V/s State of Guajrat, Criminal Misc. Application No. 1737/2026. (For Regular bail -before charge-sheet)
9. Mandabhai K Mori V/s State of Guajrat, Criminal Misc. Application No. 2390/2026. (For Regular bail -before charge-sheet)
10. Vinod K Bansiwal V/s State of Guajrat, Criminal Misc. Application No. 6458/2026. (For Regular bail -before charge-sheet)
11. Ajitbhai C Rathva & Anr. V/s State of Guajrat, Criminal Misc. Application No. 11403/2026. (For Regular bail - before charge-sheet)

- (4) Heard learned Special Public Prosecutor Mr. V. N. Modi for the state. He has submitted that, 2341 country made foreign liquor bottles, in huge quantities without license, have been recovered from the applicant along with co-accused. He has past antecedents. He has further submitted that the investigation is still on and the charge-sheet is yet to be filed. Therefore, he may not be released on bail.
- (5) Considered the submissions made by both the Learned Advocates and perused the documents attached with this application including the affidavit of Investigating Officer. The offence under section 65(A)(E), 81, 83, 98(2) & 116(B) of Prohibition Act and under section 111(2)(B), 111(3) & 111(4) of B.N.S. Act, 2023 has been registered against four (4) persons out of which the applicant is one of them. The present applicant has placed on record the order passed by this Court in Criminal Revision Application No. 294/2026 in which this Court has held that the revisionist along with co-accused (the present applicant is one of them) have been arrested in early morning but they have not been produced within 24 hours from their arrest before the Magistrate, therefore, their fundamental rights enshrined under part III of the Constitution of India is violated by the investigating officer. Not to produce within time limits i.e. 24 hours before the Ld. Magistrate from their arrest/detention is a

violation of provision of law (BNSS) as well as Constitution of India which entails that the arrest is illegal and bad in law. Once the arrest has been held as bad in law, consequential order is the release of the person from detention/arrest. In other words, the applicant has not made out a case for grant of bail. Mere antecedents would not deter this Court to pass the appropriate order of grant of bail in view of the law laid down by the Hon'ble Supreme Court in a case of Prabhakar Tiwari V/s State of UP, Cumulatively, this Court is of the view that the present applicant has made out a case for grant of bail. Accordingly, the following order is passed.

-: ORDER :-

•The Application under Section- 483 of Bhartiya Nagarik Suraksha Sanhita, 2023, for getting Regular Bail for the Applicant/Accused “**Bharat Alias Patti Chhaganbhai Mevada**” is hereby “**Allowed**”.

•Present Applicant/Accused is ordered to be released (enlarged) on bail in connection with C.R.No. C–11210012260904/2026 of the Chowk Bazar Police Station, City: Surat, alleging commission of the offence punishable under section 65(A)(E), 81, 83, 98(2) & 116(B) of Prohibition Act read with sections 111(2)(B), 111(3) & 111(4) of B.N.S. Act, 2023, on executing a personal bond of Rs. **50,000/-** (Rupees Fifty Thousands only) with one surety of like amount, subject to following conditions that the applicant shall:-

::: Conditions :::

1. Not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him/them from disclosing such facts to the Court or to any police officer;
2. Not to take undue advantage of his liberty or abuse his liberty and not involve in any similar offence;
3. Not to leave the territory of India without prior permission of the Ld. Trial Court;
4. Furnish the permanent and local address with documents, i.e., Aadhar Card or Driving License etc. of his residence to the Investigating Officer and also to the Court at the time of execution of bond;
5. Surrender his passport, if any, before the Court concerned within a week and if applicant is not having passport, the appropriate affidavit must be filed;
6. In the event of breach of any of the above conditions by the applicant, the bail granted by this Court shall stand canceled and it shall be open for the Ld. Trial Court to issue a warrant or take appropriate action against the applicant.
7. Satisfactory bail to be furnished before Ld. Trial Court and Ld. Trial Court may, in its discretion, grant appropriate time to furnish a solvency certificate, if required and if prayed for. Ld. The Trial Court would be at liberty to add or modify any of the conditions befitting the facts of the case.
8. Yadi be sent to the concerned Court as well as the concerned police station.

Signed and pronounced today in Open Court on the **31st**
day of **July, 2026**.

Date : 31/07/2026
Surat

(Piyushkumar A. Patel)
9th Addl. Sessions Judge and Special
Judge (Atrocity), Surat.
UID : GJ00803