

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 4920 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE M. R. MENGDEY**

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Approved for Reporting	Yes	No

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BHUPENDRA @ BHOPI PREMAJI BHATI
Versus
STATE OF GUJARAT

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Appearance:

MR A S TIMBALIA with MR PRITESHKUMAR A VAGHELA(10078) for the
Applicant(s) No. 1
MS KRISHNABEN A VAGHELA(12885) for the Applicant(s) No. 1
MR MEET THAKKAR, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 06/03/2026****JUDGMENT**

1. The Applicant has filed this Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the Applicant on Regular Bail in connection with FIR being C.R. No.11192030240048 of 2024 registered with Kanbha Police Station, Ahmedabad Rural for the offences under Sections 302, 307, 333, 279, 114 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. Heard learned advocate Shri. A. S. Timbalia appearing for the applicant. He submitted that as per the case of prosecution, the police authorities had received a secret information as

regards a huge quantity of contraband liquor being transported. In the same secret information, the name of the present applicant was also mentioned. However, though the investigating agency could not find any material against the petitioner to connect him with the present offence, has cooked up a story as narrated by it in the charge-sheet. There is nothing on record to indicate that the applicant had made any telephone call to the driver of the vehicle. No such call details are forming part of the charge-sheet. He further submitted that the earlier application filed by the applicant was dismissed by the this Court vide order dated 27.03.2025. The applicant had approached the Hon'ble Apex Court against the said order and the Hon'ble Apex Court had granted liberty to the applicant to renew his prayer for bail before this Court after six months if there is delay in trial. There is no progress whatsoever in the trial. He therefore submitted to allow the present application and enlarge the applicant on bail, subject to suitable conditions.

3. Learned APP has opposed the present application. He submitted that all the aspects which are being argued today have been considered by this Court in its order dated 05.05.2024 passed in Criminal Misc. Application No.10715 of 2024 and the order dated 27.03.2025 passed in Criminal Misc. Application No.4622 of 2025. There is no change in circumstances after the earlier applications filed by the applicant were dismissed by this Court vide aforesaid orders. He therefore submitted to dismiss the present application.

4. Heard learned advocates for the parties. This is the fourth successive application filed by the applicant seeking regular bail.

While dismissing the earlier application being Criminal Misc. Application No.10715 of 2024, this Court had made the following observations:

“5. Heard learned Advocates for the parties and perused the record. At the outset, it is required to be noted that the present Applicant is a hardcore criminal and a listed bootlegger. There are 21 antecedents reported to be pending against the present Applicant. On 23.01.2024 the police authorities had received a secret information that the aides of the present Applicant was transporting contraband liquor in huge quantity in a car bearing registration no. GJ 01 RC 8852. On the basis of the said secret information, the police authorities had arranged a watch on the route on which the said car was to pass. The Driver of the car, having seen the police, tried to escape by driving the car in a rash and negligent manner. On one occasion, the said car was cordoned by the vehicles of the police from the front as well as from the back. The record indicates that, at that time, the present Applicant was on a phone call with the Driver of the said car, had instructed him that the liquor which was loaded in the car should not go to the hands of police, and if necessary, he should dash the car with the vehicle of police which was lying ahead of the car. Accordingly, the Driver of the car had dashed the vehicle of police and, because of the same, one police personnel had lost his life. It is sought to be contended on behalf of the Applicant that there are no call data records available in the charge sheet papers indicating a phone call going on between the present Applicant and the Driver of the car at the time of incident. As revealed during the course of investigation, the said call

was a whatsapp call, and therefore, there would be no call data record available for the said call. The liquor which was being transported in the car belonged to the present Applicant.

6. It is sought to be contended by learned Advocate for the Applicant that merely because the Applicant is having some antecedents he cannot be denied bail. This court has also taken the other material available on record than the antecedents pending against the Applicant, and therefore the judgment of the Hon'ble Apex Court in case of Prabhakar Tewari (supra) will be of no help to the present Applicant. Hence, the Application is hereby dismissed."

5. The order dated 05.08.2024 passed by this Court was carried by the applicant to the Hon'ble Apex Court. However, the Hon'ble Apex Court had declined to interfere with the order of this Court and the application filed by the applicant was dismissed. Thereafter, the applicant preferred another application being Criminal Misc. Application No.4622 of 2025, which was also dismissed by this Court vide order dated 27.03.2025. The applicant had challenged that order also before the Hon'ble Apex Court and again the Hon'ble Apex Court vide order dated 31.07.2025, had declined to entertain the Special Leave Petition. The present applicant is a listed bootlegger and is having as many as 32 antecedents against him.

6. Having regard to these aspects, no case is made out for exercising discretion in favour of the applicant. Hence, the application stands dismissed.

(M. R. MENGDEY,J)

AHS

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIT SONAGARA(HCD0079), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 12/03/2026 11:51:08