

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 4849 of 2026**

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BIPINBHAI VASTABHAI VAKATAR & ANR.
Versus
STATE OF GUJARAT

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Appearance:
MR. MAULIK M SONI(7249) for the Applicant(s) No. 1,2
MR JAY MEHTA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 25/02/2026

ORAL ORDER

Learned advocate for the applicants does not press this application qua applicant No.1. Hence, the present application stands disposed of as not pressed qua applicant No.1.

So far as applicant Nos.2 is concerned, this matter is taken up for final disposal only qua applicant No.2.

1. Heard learned advocate Mr.Soni appearing on behalf of the applicants and learned Additional Public Prosecutor Mr. Mehta, appearing on behalf of the respondent-State.

2. Rule. Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant No.2 on Regular Bail in connection with FIR being **C.R. No.11202025260029/2026** registered with **Jodiya Police Station, Jamnagar** for the offence punishable under Sections 65(a), 65(e), 81 & 98(2) of the Prohibition Act.

5. Learned advocate for the applicant would submit that considering the role attributed to the applicant No.2, and nature of the allegation levelled, the applicant No.2 may be enlarged on regular bail. It is further submitted that the since charge-sheet is filed, no useful purpose would be served by keeping the applicant No.2 in jail for indefinite period. It is further contended that the applicant No.2 is ready and willing to abide by the conditions that may be imposed by this Court if released on bail.

6. As against the same, learned Additional Public Prosecutor appearing for the respondent – State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant No.2 as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant No.2 and the application may be dismissed.

7. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. The applicant No.2 found in the car where the prohibited liquor was being transported.
- ii. The fact that no specific allegation is levelled and there being no antecedents against the present applicant No.2.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v.**

Central Bureau of Investigation reported in **[2012] 1 SCC 40.**

8. In the facts and circumstances of the case and considering the nature of the allegations made against in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant No.2 on regular bail.

9. Hence, the present application is allowed. The applicant No.2 is ordered to be released on bail in connection with F.I.R. registered as **C.R. No.11202025260029/2026** registered with **Jodiya Police Station, Jamnagar**, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousands only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] shall furnish the present address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the Investigating Officer;

[h] mark his presence before the concerned police Station

once a month for a period of six months before the concerned Police Station;

10. The Authorities will release the applicant No.2 only he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

11. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

12. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant No.2 for being released on regular bail.

13. The application is allowed in the aforesaid terms qua applicant No.2. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

KUMAR ALOK

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ALOK KUMAR(HC01091), PRIVATE SECRETARY, at High Court of Gujarat on 27/02/2026 11:17:13