

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 7689 of 2026**

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BHARATBHAI RAMANBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

KRUNAL S MEHTA(9227) for the Applicant(s) No. 1

MR FEHAD A MEMON(13378) for the Applicant(s) No. 1

MR JK SHAH ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 06/04/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Krunal Mehta on behalf of the applicant and learned Additional Public Prosecutor Mr. J.K. Shah on behalf of the respondent-State.

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

3. The present applicant who has been arraigned as accused has preferred 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. 11215029260080 of 2026** registered with **Tarapur Police Station, District: Anand** for the offence punishable under Sections 65(A), 65(E), 81, 83, 98(2) and 116B of the Gujarat Prohibition Act before filing of the charge-sheet more particularly the application preferred by the applicant having been rejected by the learned

Trial Court.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is not filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. 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, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. This Court has heard learned Advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

(i) The fact that the applicant being Cleaner of the vehicle in which the prohibited liquor was being carried.

(ii) The fact of the applicant neither being the owner of the vehicle nor being owner of the muddamal.

(iii) The fact of there being no antecedents against the applicant.

7. 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 the applicants 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 applicants on regular bail.

9. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being **C.R. No. 11215029260080 of 2026 registered with Tarapur Police Station, District: Anand** on executing a bond of Rs.15,000/- (Rupees Fifteen Thousand 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 to leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] Mark presence in the concerned Police Station once in a week till charge-sheet is laid and thereafter once in a month for a period of six months.

[f] furnish the proposed address of residence to the I.O. and also to

the Court at the time of execution of the bond and shall not change the residential address without prior intimation to the I.O.

10. The Authorities will release the applicant only if 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 Judge 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 applicants for being released on regular bail.

13. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

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