

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 8366
of 2026**

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BANTI S/O KRUSHNA
Versus
STATE OF GUJARAT

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Appearance:

MR N R DESAI(6504) for the Applicant(s) No. 1

MS. DIVYANGANA JHALA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER

Date : 27/04/2026**ORAL ORDER**

RULE. Learned APP waives service of notice of Rule for and on behalf of the respondent – State.

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the applicant – accused has prayed to release him on anticipatory bail in the event of his arrest in connection with the FIR being C.R. No.11195018220771/2022 registered with Dhanera Police Station, District Banaskantha, for the offences punishable under Sections 65-A, 65(e), 116-B, 98(2), 99, 81, 83 of the Prohibition Act and under Section 465, 468, 471 of the Indian Penal Code.

2. It has been argued by the learned advocate for the applicant that the applicant is not doing any liquor business, and also not transporting any kind of liquors, and is not connected with liquor business. Therefore, the application is required to be granted.

3. Per contra, learned APP has argued that the involvement of the applicant is prima facie established of dealing with transportation of liquor worth 1,58,700/- with allegations of using of forged number plates of vehicles, and the offence was registered in the year 2022, and the present applicant was shown as absconded till today. The co-accused has already given the statement that the said liquor was filled up by the present applicant and the same was to be delivered, and after reaching Palanpur, the accused no. 1 i.e. Hitesh Pradeep Kumar Sahejram was supposed to call accused no. 2 i.e., the present applicant, and the delivery was to be made to the person whom the present applicant informs.

4. Heard learned advocates for the respective parties, this Court has considered the rival submissions made by learned counsel for both the sides and considered the material placed on record. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused. Though at the stage of granting bail execution and appreciation of evidence is not permissible. Having gone through the complaint,

prima facie, it appears that the present applicant is involved in the offence.

5. The case of the present applicant is that the applicant was not aware of the aforesaid offences registered, and as soon as the applicant came to know about the same, the applicant filed an anticipatory bail application before the learned Additional Sessions Judge, Deesa which was rejected.

5.1. Having heard learned advocate for the involvement of the applicant is *prima facie* established even by the statement of the accused i.e. the accused no. 1 who has categorically stated that the liquor was filled up by the present applicant, and it also stated that the said vehicle which was in the name of the accused no. 1 which was also purchased by the present applicant. The present applicant is also absconding and has not cooperated with the investigation. The said car also had wrong number plate.

6. In the case of **Siddharam Satlingappa Mhetre vs State Of Maharashtra**, reported in **(2011) 1 SCC 694**, the Hon'ble Court held that life and personal liberty are the most prized possessions of an individual but not at the cost of larger interest of society and public. This is not a case, wherein accused is falsely enraged in the offence with a view to tarnish his image. Considering the fact that the custodial interrogation is required. The Hon'ble Apex Court in the case of **Jai Prakash Singh Vs State of Bihar & Anr.** reported in **2012 4 SCC 379**, has been pleased to hold as under:-

"Parameters for grant of anticipatory bail in a serious offences are required to be satisfied and further while granting such relief, the court must record the reasons therefore. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enrped in the crime and would not misuse his liberty."

7. It would be apposite to refer the decision of the Apex Court rendered in case of **State of M.P. and another v. Ram Kishna Balothia and another** reported in **AIR 1995 SC 1198**.

8. It would be apposite to refer the judgment of the Hon'ble Apex Court rendered in case of **Pratibha Manchanda vs. State of Haryana** reported in **AIR 2023 SC 3307**, wherein the Hon'ble Apex Court has observed thus:-

"19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome."

9. If the present applicant is/are protected with this order, this Court is of the considered view that if the present accused is equipped with protective order, it would obviously affect the case of the prosecution and adversely the qualitative investigation. This is not a fit case, wherein accused is falsely enrped in the offence and it appears that there is no frivolity, with a view to tarnish his image. Considering the fact that the custodial interrogation is required.

10. Further, Gujarat is a dry State and pursuant to Article 47 of the Constitution of India, the directive principles of the State Policy, it is the duty of the State to raise the standard of living and improve the public health and for the said purpose, prohibition of such intoxicating drugs being made compulsory in the Gujarat State. The State is committed to the ideas and principles of Father of Nation Shri Mahatma Gandhji and State also firmly intends to eradicate the menace of consuming liquor or intoxicating drugs to overhaul the law relating to intoxicating drugs and total prohibition in the State and for that amendments also being made in the Gujarat Prohibition Act. Considering the aforesaid fact, *prima facie* involvement being made out, no case is made out to grant anticipatory bail to the applicant.

11. For the foregoing reasons and considering the law laid down in the above cited decisions of this Court as well as the Hon'ble Apex Court, this Court is of view that it is not a fit case to exercise the discretion under Section 438 of the Code/482 of BNSS in favour of the applicant. Accordingly, present application does not deserve any consideration and is hereby **dismissed**. Rule is discharged.

12. It is made clear that the observations made in the present order are tentative in nature.

ADITYA SINGH

(SANJEEV J.THAKER,J)