

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -  
AFTER CHARGESHEET) NO. 10214 of 2026**

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JANMEYJAYBHAI @KANU BABUBHAI BHENSARA  
Versus  
STATE OF GUJARAT

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**Appearance:**

MR ADIL R MIRZA(2488) for the Applicant(s) No. 1  
MR SOAHAM JOSHI, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI  
DESAI**

**Date : 04/05/2026**

**ORAL ORDER**

1. Leave to amend the cause-title. To be carried out forthwith.
2. Heard learned advocate Mr. Adil R. Mirza appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Soaham Joshi appearing on behalf of the respondent-State.
3. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.
4. 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. 11200018251450 of 2025 registered with Dharampur Police Station, District Valsad for the offence punishable under Sections 65(a), 65(e), 81, 98(2) and 116(B) of Gujarat Prohibition Act.

5. 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 filed, further incarceration of the applicant will not benefit the Investigation Officer in any manner. 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.

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 as

coming out from the charge-sheet, this Court may not exercise discretion in favour of the applicant and the application may be dismissed.

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

- i. The applicant is a permanent resident of Valsad District, hence would be available at the time of trial;
- ii. The investigation being over, charge-sheet has been filed.
- iii. The applicant does not have any criminal antecedents.
- iv. As per the prosecution case, a mobile phone was found at the place of raid, which place is owned by the applicant.
- v. The applicant along with co-accused Sikanderlal had received the contraband liquor and while segregating the consignment for transportation, the police having raided the place, had found a mobile phone, whereas, the applicant had fled from the scene.

vi. The apprehension of the learned APP that, the applicant would once again indulge in similar or such offence, can be put to rest by imposing stringent conditions.

8. 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.

9. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant 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 on regular bail.

10. Hence, the applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11200018251450 of 2025 with Dharampur Police Station, District Valsad, on executing a bail bond of Rs.25,000/- (Rupees Twenty Five 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 his passport, if any, to the trial court within a week, and if he does not possess a passport, he shall file an affidavit to that effect;

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

[e] furnish the present address of his residence to the I.O. and to the Court at the time of execution of the bond and shall not change his residence without prior intimation to the I.O. and the court;

**[f] mark presence once a week before the concerned Police Station, till the trial is over;**

[g] not indulge in similar kind of offence hereinafter, for which, he shall file an affidavit before the concerned court and the police station.

11. 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 Court concerned will be at liberty to take appropriate action in accordance with law.

12. Bail bond to be executed before the trial 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.

13. At the stage of trial, the competent 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 enlarging the applicant on regular bail. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

**(UTKARSH THAKORBHAI DESAI, J)**

MAYA