

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 27796
of 2025**

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SISHPAL BANSILAL YADAV

Versus

STATE OF GUJARAT

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Appearance:

MS. PAYAL M TUVAR(7055) for the Applicant(s) No. 1

MS JIRGA JAVERI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI DESAI

Date : 20/01/2026

ORAL ORDER

1. The applicant herein have preferred the present bail application under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023, praying for anticipatory bail in connection with the FIR being C.R. No. 11211050250440 of 2025 registered at Thangadh Police Station, Surendranagar, for the offences punishable under Sections 65 (A)(E), 116 (B), 81, 83, 98(2) of the Prohibition Act and Sections 111(2)(B), 111(3)(4), 336(2), 336(3), 340(2) of the Bharatiya Nyay Sanhita, 2023.

2. Learned advocate Ms. Payal Tuvar on behalf of the applicant has submitted that the police has seized liquor consignment worth Rs. 99,97,920/- from a Tata Company truck and from a mahendra bolero car, however, the applicant is not named in the FIR, he had already sold his truck bearing Registration No. RJ23GD7239 to one Hukmaram Harkha, resident of Barmer, Rajasthan and an agreement to that effect was also executed between the applicant and the said purchaser on 28.06.2025. The applicant does not have any criminal antecedents and the I.O. had not collected any CDRs pertaining to the applicant having communicated with the main accused during the commission of the offence.

Ms. Tuvar has also submitted that the applicant is ready and willing to cooperate with the investigation and remains present as and when will be called by the I.O.

3. Learned APP Ms. Jirga Jhaveri has strongly opposed

this application submitting that huge consignment of illicit liquor was seized by the police upon having received the information. The truck from which the consignment was seized belongs to the applicant and this application should be rejected.

4. Considering the submissions of both the learned advocates, it deems fit to this Court to direct the applicant to join the investigation and appear before the I.O. on 28.01.2026. The Investigating Officer is directed to scrupulously follow the proposition of law as settled by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273**, in case of **Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., reported in (2022) 10 SCC 51** and in case of **Md. Asfak Alam Vs. State of Jharkhand & Anr., reported in 2023 SCC OnLine SC 892** and also inform about the grounds of arrest, if needed, to learned

Magistrate and even the learned Magistrate before mechanically authorizing the detention of the applicant shall follow the dictum of the Hon'ble Supreme Court in the aforesaid decisions.

5. In case, the Investigating Officer needs to arrest the applicant, notice of 7 days shall be given to the applicant prior to such arrest.
6. In view of the above, the present application stands disposed of. Direct service is permitted.

(UTKARSH THAKORBHAI DESAI, J)

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