
(2025) 11 GUJ CK 1901

In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - Before Chargesheet)
No. 24141 Of 2025

Umeshbhai Jatariyabhai Vasava

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 28-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Gujarat Prohibition Act, 1949 — Section 65(a), 65(e), 98(2)

Citation : (2025) 11 GUJ CK 1901

Hon'ble Judges : Nikhil S. Kariel,J

Bench : Single Bench

Advocate : Jaydeep H Sindhi, Soham Joshi

Final Decision : Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned Advocate Mr. Jasydeep H. Sindhi on behalf of the applicant and learned Additional Public Prosecutor Mr. Soham Joshi 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. 11823004251577 of 2025 registered with Dediapada Police Station, District: Narmada for the offence punishable under Sections 65(a), 65(e) and 98 (2) 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 submits that the applicant is behind bar since 17.10.2025. Learned Advocate on behalf of the applicant would submit that

considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

5. The present application is vehemently objected to by learned Additional Public Prosecutor by submitting that looking to the nature of offence, role attributed to the present applicant and since the charge-sheet has not been filed, this Court may not interfere at this stage

6. This Court has heard learned Advocates for the respective parties and perused the FIR as well as order passed by learned Session Court as well as affidavit filed by the investigating officer before the learned Trial Court.

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. This Court has also considered the following aspects:

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

(ii) The age of the applicant being 24 years.

(iii) The fact of there being no antecedents against the applicant as per the affidavit of the Investigating Officer before the learned Sessions Court.

9. 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.

10. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being C.R. No. 11823004251577 of 2025 registered with Dediapada Police Station, District: Narmada on executing a bond of Rs.10,000/- (Rupees Ten 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 between 11:00 a.m. to 2:00 p.m.

[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.

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 Judge concerned will be free to take appropriate action in the matter.

12. 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.

13. 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.

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