IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE CHARGESHEET) NO. 27563 of 2025

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GANESHBHAI APPA BHADANE & ANR.

Versus

STATE OF GUJARAT

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Appearance:
MR. RAAJEN D JADHAV(10026) for the Applicant(s) No. 1,2
MR NIRAJ SHARMA ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

Date : 24/12/2025

ORAL ORDER

1. Learned Advocate Mr. Raajen Jadhav on behalf of the applicants seeks permission to withdraw the present application qua applicant no.1 with liberty to file an appropriate application before the learned Trial Court after filing of the charge-sheet. Permission as prayed for is granted. The application stands disposed of as withdrawn qua applicant no. 1 with liberty as sought for.

2. Insofar as applicant no. 2 is concerned this Court has heard learned Advocate Mr. Raajen Jadhav on behalf of the applicant and learned Additional Public Prosecutor Mr. Niraj Sharma on behalf of the respondent-State.

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

4. 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. 11210064250910 of 2025 registered with Godadara Police Station, District: Surat** for the offence punishable under Sections 65(a), 65(e), 68, 81, 83, 84, 116B and 98(2) of the Gujarat Prohibition Act and Sections 112(2)(B), 111(3)(4) of the BNS before filing of the charge-sheet more particularly the application preferred by the applicant having been rejected by the learned Trial Court.

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 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.

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

7. 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.

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. This Court has also considered the following aspects:

(i) The role attributed to the present applicant being selling snacks at a shop where liquor was being sold illegally.

(ii) The fact of present not being engaged in the activity of selling liquor per se whereas the allegation being that he was making a profit upon selling his snacks at the liquor store.

(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 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 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. 11210064250910 of 2025 registered with Godadara Police Station, District: Surat** 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 month for a period of six month;

[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.

(NIKHIL S. KARIEL,J)

NIRU

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIRU ROSHAN SHAH(HC00211), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 29/12/2025 11:49:43