IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE CHARGESHEET) NO. 12367 of 2026

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SAHIL SUSHEEL JAT & ANR.

Versus

STATE OF GUJARAT

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Appearance:
MR CHINTAN S POPAT(5004) for the Applicant(s) No. 1,2
MS ASMITA PATEL, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**

Date : 03/06/2026

ORAL ORDER

1. Heard learned advocate Mr.Divyang A. Joshi for learned advocate Mr.Chintan S. Popat appearing on behalf of the applicants and learned Additional Public Prosecutor Ms.Asmita Patel appearing on behalf of the respondent-State.

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

3. The applicants have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicants on Regular Bail in connection with FIR being C.R. No. 11993004260425/2026 registered with Bhachau Police Station, Kutch East – Ghandhidham for the

offence punishable under Sections 65(a), 65(e), 116(b), 98(2), 81, 83 of the Prohibition Act.

4. Learned advocate for the applicants would submit that considering the role attributed to the applicants, and nature of the allegation levelled, the applicants may be enlarged on regular bail. It is further submitted that no useful purpose would be served by keeping the applicants in jail for indefinite period. It is further contended that the applicants are ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

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

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

i. The allegation against the applicants being that they were piloting the truck which was carrying the prohibited liquor.

ii. The role attributed to the present applicants are that the present applicants were present in the swift car which was piloting the truck in question.

iii. It would further appear that the applicants were the friends of accused no.11 who was driving the car and no other specific role being coming out against the present applicants.

iv. The fact of there being no criminal antecedents against the present applicants.

v. Considering the fact that there is no recovery made from the present applicants, no remand is sought for against the present applicants so also considering the limited role attributed to the present applicants, this Court is inclined to consider this application.

vi. Apprehension of the learned APP that the applicants are not being resident of the State of Gujarat, if released, they may abscond, could be allayed by imposing suitable conditions.

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**.

7. 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.

8. Hence, the present application is allowed. The applicants are ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11993004260425/2026 registered with Bhachau Police Station, Kutch East – Ghandhidham, on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) each with one surety of the like amount each to the satisfaction of the trial Court and subject to the conditions that they 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 leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] 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 residence without prior intimation to the I.O.;

[f] mark presence once a week till the charge-sheet is filed and thereafter once a month for a period of six months before the concerned police station.

9. The Authorities will release the applicants only if they are 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 free to take appropriate action in the matter.

10. 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.

11. 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.

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

(VAIBHAVI D. NANAVATI,J)

Bhoomi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHOOMI YOGESHBHAI MISTRY(HC01557), PRIVATE SECRETARY, at High Court of Gujarat on 03/06/2026 11:53:20