

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 01238 of 2017

District : Ahmednagar

Rahul Vishnu Gangarde,
Age : 35 years,
Occupation : Agriculture,
R/o. Kombhali,
Taluka Karjat,
District Ahmednagar.

.. Applicant.

versus

The State of Maharashtra,
Through Maharashtra State
Excise Department,
Flying Squad No.1,
Ahmednagar.

.. Non-applicant.

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*Mrs. Rashmi S. Kulkarni, Advocate, holding for
Mr. Sanket S. Kulkarni, Advocate, for the applicant.*

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the non-applicant.*

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CORAM : T.V. NALAWADE, J.

DATE : 15TH MARCH 2017

ORAL ORDER :

By the present application, the applicant is seeking pre-arrest bail in connection with Crime No. 49/2017, registered with State Excise Department Bharari Pathak - 1, Ahmednagar, for offences punishable under Sections 65(a)(d)(e)(b)(f), 80, 81, 83, 90 and 108 of the Bombay Prohibition Act, 1949.

02. There is allegation against the present applicant, that he is manufacturing illicit liquor and selling it in the name of branded Company from Goa and Daman. In pursuance of the raid conducted by the Excise Department of the State on 17.03.2017, seizure of such illicit liquor was made. Along with the liquor bottles, some material which is required for packing of such liquor was also seized.

03. Learned Advocate for the applicant submitted that the Sessions Court rejected application of the applicant only on the ground that the Court was not in favour of granting interim relief.

04. There are always two options open before the Court. Considering the application for pre-arrest bail, when there is sufficient material against the accused showing a prima facie case, the Court can reject the application on the first day itself and when the Court finds that the case is not fit for grant of ad interim pre-arrest bail, in that case also, it is open for the Court to reject the application.

05. Papers of investigation show that two other similar cases are registered against the present applicant but he is not improving. The crime is registered for offences punishable under Sections 65, 80, 81, 83, 90 and 108 of the Bombay Prohibition Act. This is a case of manufacture of illicit liquor and there are many incidents occurred in the society in

the recent past, causing death due to poisonous illicit liquor. Considering the possibility of involvement of others and existence of a big racket, custodial interrogation of the applicant is necessary. No lenient view can be taken in such cases and discretion cannot be used in favour of such persons.

06. In the result, this Application is rejected.

(T.V. Nalawade)
JUDGE

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