

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.871 OF 2020

Mandira
Salgaonkar

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Vijay Anand Ghadage .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Rupesh Zade for the Applicant.

Mr.PH.Gaikwad, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 10th DECEMBER, 2020**

P.C:-

1. The applicant is apprehending his arrest in relation to C.R.No.989 of 2020 registered with Indapur Police Station thereby invoking Sections 328, 420, 468, 485, 486 read with 34 of IPC and Section 65(D), 65(E) and 67 of the Maharashtra Prohibition Act.

2. The FIR is lodged by Police Constable attached to Indapur Police Station. He state that he received secret information that two persons by name Vijay Anand Ghadage (applicant) and Asif Ramjan Tamboli were indulging in illicit liquor business and the liquor is being manufactured in the field of Sadashiv Govind Kale at village Nimgaon Ketaki. In the backdrop of the said information, raid was carried out and the police staff and the panch witnesses arrived at the spot. When they were nearing

M.M.Salgaonkar

the field, two persons came from a shed and escaped in the sugarcane field. The complainant, however, identified the accused persons and called them by their names in order to restrain them from fleeing, but he was unsuccessful. During the course of raid, one machine of packing the alcohol bottles as well as 35 bottles with label 'Deshi Tango' and 30 empty bottles along with some stickers, cans and other articles used for the purpose of sealing bottles were recovered by drawing a panchanama. The offence came to be registered and the applicant is apprehending his arrest in the said C.R.

3. The application preferred by the applicant came to be rejected on two occasions by the learned Additional Sessions Judge, Baramati. I have perused the said orders. On the second occasion when the application was heard, applicant placed reliance on the CCTV footage and claimed that he was not present on the spot and the plea of alibi was put forth. The said submission was considered, CCTV footage was perused by the learned Additional Sessions Judge and it has been recorded that the said plea has no substance.

4. The applicant is charged with a serious offence under Section 328 which is punishable with imprisonment of either description for a term which may extend to ten years and is also liable for fine. The said offence is non-bailable. The panchanama drawn, clearly refer to the activity, which was

carried out at the spot and the complainant, who is a Police Constable, has specifically taken name of the applicant as the person, who fled away from the spot, when raiding party arrived.

Taking *prima facie* view of the matter, custodial interrogation of the applicant is very much necessary in order to ascertain as to at what other places such activities are being carried out and where the illicit liquor, which is manufactured is being supplied. The application is, therefore, rejected.

SMT. BHARATI DANGRE, J