

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

ANTICIPATORY BAIL APPLICATION NO. 1164 OF 2020

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| 1. | Vilas Chandrakant Pawar,
Age 29 years, Occu: Agri. | ... | Applicants |
| 2. | Kailas Pyarachand Pawar
Age 29 years, Occu: Agri. | | |
| 3. | Pratap Tarachand Pawar,
Age 42 years, Occu: Agri. | | |
| 4. | Ashok Hiranman Pawar,
Age 46 years, Occu: Agri.
All R/o Shrigonda Factory,
Tq. Shrigonda Dist. Ahmednagar. | | |

VERSUS

The State of Maharashtra, Through Police Station Officer, Shrigonda Police Station, Tq. Shrigonda Dist. Ahmednagar	...	Respondent
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Mr. Y. V. Kakade h/for Mr. N. V. Gaware, Advocate for the applicant,
Mr. S. B. Narwade, A.P.P. for the State.

CORAM	: PRAKASH D. NAIK, J.
DATE	: 17 th November, 2021

ORDER:

1. This is an application for anticipatory bail in Crime No. 237/2020 registered with Shrigonda Police Station, District Ahmednagar for the offences punishable under sections 328 r/w 34 of the Indian Penal Code and Sections 65(b), 65(c), 65(f) of the Bombay Prohibition Act, 1949.

2. Case of the prosecution is that information was received that the accused were manufacturing illicit liquor nearby vicinity of their residence. Pursuant to that Police proceeded to the spot. The persons present at the scene of offence managed to flee from the place. Certain articles and chemical found at the spot were seized. C.A. report indicates that the chemical found there can be used for distillation of intoxicating liquor.

3. Learned counsel for the applicants submitted that the applicants do not have any criminal antecedents. Although the information was received that the accused were indulging in manufacturing illicit liquor, it has not been established that the applicants were present at the scene of offence. FIR mentions that the persons present at the place of incident managed to flee taking advantage of darkness. It is not established that the place where the illicit liquor was manufactured and the articles found there belonging to the applicants. It is submitted that directions to report the Investigating Officer vide order dated 18.12.2021 were complied. The applicants had attended the Investigating Officer and hence custody is not required for any purpose.

4. Learned APP submitted that CA report supports the prosecution case that the chemical recovered from the place of incident can be used for distillation of intoxicating liquor. Although it is not stated in the FIR,

the applicants were the persons who ran away from the place of incident, place was raided on information that accused were involved in manufacturing illicit liquor.

5. The applicants were indulged in manufacturing illicit liquor.

6. It is pertinent to note that the persons present at the place of incident had allegedly ran away. They were not identified as applicants. It is also relevant to note that even identification would not serve the purpose as the witness did not give description of persons since it is the case of prosecution that taking advantage of darkness, they ran away from the place. There is no evidence to establish that the place of incident and articles seized belong to the applicants. It is not disputed that illicit liquor was being manufactured. It is also relevant to note that while granting interim protection on 18.12.2020, this court had observed that taking into consideration the contents of the FIR, physical custody of the applicants may not be required.

7. In view of the aforesaid factual aspects, interim protection granted to the applicant can be confirmed. Hence, I pass the following order :-

ORDER

i. Anticipatory Bail Application No. 1164 of is allowed.

- ii. In the event of arrest of the applicants in Crime No.327/2020 registered with Shrigonda Police Station, District Ahmednagar, the applicants be released on bail on executing PR bond in the sum of Rs. 30,000/- each with two sureties of Rs.15,000/- each.
- iii. The applicants shall not indulge in any criminal activity nor shall try to tamper with the evidence of prosecution, in any manner.
- iv. They should cooperate with the investigation and remain present before the Investigating officer as and when called.
- v. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC