

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

ANTICIPATORY BAIL APPLICATION NO. 547 OF 2021

1. Sawant Khema Rathod
2. Nura Bhima Pawar

.... Applicants

Versus
The State of Maharashtra

.... Respondent

Mr. Ramdas Hake Patil, for the applicant.
Mr. Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No. 679 of 2020 registered at Solapur Police Station, under section 328 of the Indian Penal Code and under section 65(f) of the Maharashtra Prohibition Act, 1949.

2. The FIR is lodged by police constable Laxman Hemade. He has stated in the FIR that police party received a secret information that both the applicants

were manufacturing illicit liquor in their agricultural land. Therefore police called two panchas. The police party and panchas went to Shivavasti. They saw that one person was involved in process of making illicit liquor. On seeing the police, he ran away from the spot. The police seized 4600 liters of chemicals and other articles. Samples were drawn and illicit liquor was destroyed. Then the police proceeded to the agricultural land of the applicant Nura Pawar. There also one person was involved in making illicit liquor. He also ran away from there. Police found 2400 liters of illicit liquor and other articles. Again samples were drawn and liquor was destroyed. On this basis the FIR is lodged.

3. Heard Mr. Ramdas Hake Patil, learned Counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

4. Shri Hake Patil submitted that offence under section 328 of the Indian Penal Code is not made out and

therefore applicants cannot be arrested.

5. The learned APP opposed this application and relied on the statements in the FIR.

6. I have considered these submissions. Since offence under section 65(f) of Maharashtra Prohibition Act, is alleged, the offence is non bailable. There is sufficient material in the FIR itself against the present applicants. The persons who were actually involved in preparing liquor ran away from the spot. In these background, custodial interrogation of both the applicants is necessary. Offence is serious. It can cause serious harm to the persons consuming illicit liquor. Therefore, no leniency can be shown. There is no merit in the application .

7. The application is rejected.

(SARANG V. KOTWAL, J.)