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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2426 OF 2021

Shanu Pomu Rathod	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. V.V.Phatake for the Applicant.

Mr. H.J.Dedhia, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 7th OCTOBER, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 432 of 2021 registered with the Akkalkot North Police Station, District Solapur, for the alleged offences punishable under Section 328 of the Indian Penal Code and Section 65(f) of the Maharashtra Alcohol Prohibition Act, 1954.
3. Perused the papers. According to complainant – Prashant Koli, on 4th September, 2021, while he alongwith other Police staff were on

patrolling duty, they received an information that the applicant had made a stock of mixture of jaggery and other chemicals for the purpose of preparing illicit liquor. Pursuant thereto, the police went to the spot and took search and found articles like black jaggery, navsagar, plastic barrel etc. The said articles were seized by the police and some articles were destroyed. According to the prosecution, during the inquiry, it was revealed that the applicant had kept the said articles to make illicit liquor. Prima facie, taking the prosecution case as it stands, it is doubtful that, whether an offence under Section 328 of the Indian Penal Code, is made out as against the applicant.

4. Considering the peculiar facts of this case, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.5,000/- with one or two sureties in the like amount.

5. The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.