

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 454/2021

Vishwanath Arun Haldar

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A. R. Rawlani, Advocate for applicant.
Shri A. M. Deshpande, APP for State.

CORAM : VINAY JOSHI, J.

DATE : 18.06. 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant was arrested by concerned Police in Crime No. 11/2021 for the offence punishable under Sections 304(2), 328, 284, 171(e), 188, 34 of the Indian Penal Code, Sections 135(g), 133 of the Public Representative Act and Sections 65(d), 65(a), 65(f), 83 of the Maharashtra Prohibition Act. The applicant claimed bail by stating that absolutely there is no material against him showing his involvement in the present crime. Moreover, it is submitted that rest of all the co-accused from whose possession liquor was seized, were released on bail. The State resisted bail by filing reply-affidavit and

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pointing towards a seizure of certain articles from the premise owned by the applicant.

3. It is the prosecution case that during Gram Panchayat election, country liquor was distributed among the voters. After consuming said liquor, two villagers died whilst several sustained stomach pain. It has come in the statement that co-accused Moreshwar and Gamatidas have actually distributed liquor. During the course of investigation, it was transpired that they have purchased liquor from some other co-accused. So far as the applicant is concerned, it is alleged that he has manufactured the poisonous liquor. To that extent, the actual material collected is about seizure of certain articles from the place of accused on 21.01.2021. Perusal of the said Panchanama discloses that besides some utensils, nothing has been seized. Neither it is a case of prosecution that raw material or any chemical have been seized from the applicant. Learned APP is unable to point out any other material so as to implicate the applicant in the present crime. Rest of all accused are already released on bail.

4. Investigation is complete and charge-sheet has been filed, therefore, no purpose would

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be served in keeping the applicant behind the bar. Having regard to all these facts and the material collected against the applicant, he has made out a case for grant of bail, hence following order:-

- (I) Application stands allowed.
- (II) The applicant Vishwanath Arun Haldar is released on bail on his furnishing P.R. Bond of Rs. 50,000/- with one solvent surety in the like amount.
- (III) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Gohane.