

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

ANTICIPATORY BAIL APPLICATION NO. 2760 OF 2022

Suraj Japan Bagade
Versus
State of Maharashtra

...Applicant

...Respondent

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Mr. Priyal Sarda for the Applicant.
Mr. A. R. Kapadnis, APP for the State.
Mr. A. S. Nande, Police Naik, Karveer Police Station, Kolhapur,
present.

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CORAM : N.R. BORKAR, J.
DATED : 19th OCTOBER, 2022.

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.197 of 2022 registered at Karveer Police Station, Kolhapur for the offence punishable under Section 328 of the Indian Penal Code and under Sections 65(b), (c) and (e) of the Maharashtra Prohibition Act.
3. It is the case of the prosecution that on 17.03.2022 PSI Chavan received a secret information that present applicant distilling illicit liquor in the open space near the agricultural field of

one Sarjerao Patil within the limits of village Bhuaiwadi. Pursuant to the said secret information, a raid was conducted and around 50 liter illicit liquor was seized.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. Admittedly, the illicit liquor was seized from open space. According to the prosecution, the person who was distilling the illicit liquor ran away after seeing the police squad. It is not the case of the prosecution that person who ran away was the applicant. Thus there is no material to connect the present applicant with the alleged crime.

6. The learned APP submits that there are nine similar crimes registered against the present applicant.

7. However, in absence of any material to connect the present applicant with alleged crime. I am inclined to grant anticipatory bail to him. Hence, the following order:

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant-Suraj Japan Bagade in connection with Crime No.197 of 2022 registered at Karveer Police

Station, Kolhapur for the offences punishable under Section 328 of the Indian Penal Code and under Sections 65(b), (c) and (e) of the Maharashtra Prohibition Act, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station from 27th October, 2022 to 29th October, 2022 between 11.00 a.m. to 02.00 p.m. and thereafter as and when called and shall co-operate in the investigation.

(iv) The applicant shall not stay at Village Nigave Khalasa, Taluka – Karveer, District – Kolhapur, till the conclusion of the trial and shall not enter enter the said village, without permission of the trial Court.

(v) The applicant shall not give any threat or inducement to any of the prosecution witnesses.

(N.R. BORKAR, J.)