

● ● ● ● ● ● ● ●

● ● ● ● ● ● ● ● ●

DATED : 21 NOVEMBER 2022

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 276 of 2022 registered at Akkalkot (South) Police Station, for the offence punishable under Section 328 of Indian Penal Code and Sections 65(e) and 65(f) of the Maharashtra Prohibition Act, 1949.

3. It is the case of prosecution that pursuant to the secret information, on 28th April 2022, a raid was conducted and the present applicants and other co-accused were found to be distilling illicit liquor.

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

5. The learned Counsel for the applicants submits that the applicants have nothing to do with the alleged distilling of illicit liquor. It is further submitted that nothing is to be recovered at the instance of the present applicants and therefore, their custodial interrogation is not necessary. It is thus submitted that the applicants may be released on anticipatory bail.

6. On the other hand, the learned APP for the State submits that applicant No.1 is involved in two more similar offences. It is submitted that considering the nature of offence, the applicants may not be released on anticipatory bail.

7. I have perused the first information report. Common allegation are made against all the accused. However, as the applicant No.1 is involved in two more similar offences, I am not inclined to grant anticipatory bail to the applicant No.1. As regards the applicant No.2, there are no criminal antecedents. Nothing is to be recovered at the instance of applicant No.2 and therefore his custodial interrogation is not necessary. Considering these facts, I am inclined to grant anticipatory bail to the applicant No.2. In the result, the following order is passed :

(i) Application is partly allowed.

(ii) In the event of arrest, the applicant No.2 - Hanmant Vithal Chavan in Crime No. 276 of 2022 registered at Akkalkot (South) Police Station, for the offence punishable under Section 328 of Indian Penal Code and Sections 65(e) and 65(f) of the Maharashtra Prohibition Act, 1949, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned police station on 28th and 29th November 2022 between 11.00 a.m. to 2.00 p.m. and thereafter, as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)