

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1018 OF 2021

Ram Gopu Pawar

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Priyal G. Sarda for the Applicant.

Mr.Y.Y. Dabke, for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 15 FEBRUARY 2022

P.C.

1. The Applicant, apprehending arrest, in connection with the investigation of Crime No.25 of 2021 of Solapur Taluka Police Station, Solapur under Section 328 of the Indian Penal Code and Section 65(f) of the Maharashtra Prohibition Act is seeking anticipatory bail.

2. I have heard the learned counsel for the parties. Perused record.

3. The prosecution case is that on 9 January 2021 in a raid conducted on secret information the Applicant was allegedly found distilling illicit country liquor. The record discloses that on 23 April 2021 interim protection was granted to the Applicant.

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This Court has observed that at the time of the raid one person was found stirring the liquid and was in a process of manufacturing of the liquor. Upon seeing the police, the said person fled from the spot. The police had inquired with the neighbour about the person and had learnt that the said person was Ram Gopu Pawar i.e. the present Applicant. Thus *prima facie* it can be seen that the Applicant was not apprehended on the spot and the name of the Applicant was disclosed by one of the neighbour.

5. The learned Additional Public Prosecutor has handed over the copy of the CA Report which indeed shows that the sample was containing 5% alcohol V/V which can be used for distillation of intoxicating liquor. However, it is significant to note that the person who was found stirring and fled from the spot and the name of the Applicant was disclosed by one of the neighbour. At least *prima facie*, it is not shown that the spot where the illegal distillation was being done was owned and possessed by the present Applicant. Interim protection is operating in favour of the Applicant since 23 April 2021.

6. Considering the overall circumstances, the Criminal Application is disposed of in terms of the order dated 23 April 2021 subject to the condition that the Applicant shall report to

the Investigating Officer once in every month till filing of the charge-sheet and shall co-operate with the investigation.

C.V. BHADANG, J.