

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

ANTICIPATORY BAIL APPLICATION NO. 2041 OF 2021

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NITIN
CHAVAN

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Mahadev Narayan Jadhav

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Shekhar Ingawale for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent/State.

P.N. Ashok Nande, Karveer Police Station present.

CORAM : C.V. BHADANG, J.

DATE : 16 FEBRUARY 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 350 of 2021 registered with Karveer Police Station, Dist. Kolhapur under Section 328 of I.P.C. and 65(b)(c) (f) of the Maharashtra Prohibition Act, 1949 is seeking pre-arrest bail.

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

3. The record discloses that on 01.09.2021, this Court has granted interim protection to the Applicant subject to condition of attendance. The prosecution case is that a raid was conducted

in a barren land in a hilly area on 10.06.2021 in which two persons were found on the spot, out of which one was in the process of distillation of illicit liquor and while other was consuming the same. These two persons after noticing the police party, fled from the spot. During the investigation, the articles at the spot which were used for the distillation of the liquor were sealed and the sample was sent to the Chemical Analyst.

4. The learned counsel for the Applicant did not dispute the ownership and possession of the said land. It is submitted that it was lying barren and the Applicant is not concerned with the distillation of the liquor. Prima facie, it appears that none of the persons were apprehended on the spot. The Interim protection is operating since 01.09.2021. The report of the Chemical Analyst is awaited.

5. In such circumstances, the Criminal application is disposed of, at this stage, by making order dated 01.09.2021 absolute. This shall be further subject to the condition that the Applicant shall co-operate with the investigation agency and shall not allow his land to be used for any such illegal purpose.

6. Liberty to the prosecution to apply for modification, if necessary after receipt of the report of the analyst.

(C.V. BHADANG, J.)