



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

925 ANTICIPATORY BAIL APPLICATION NO. 1818 OF 2024

Gangaram Satish Bhosale

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Jadhav Satej S
APP for Respondents-State: Ms. V. S. Choudhari

...

CORAM : ARUN R. PEDNEKER, J.

Dated : November 26, 2024.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No.261/2024, dated 13/08/2024, registered by State Excise Department at Nanded for the offences punishable under Section 65 (A,B,D,E), 80, 81, 83, 90, 103 of the Maharashtra Prohibition Act, 1949 and under Section 123 of the Bhartiya Nyaya Sanhita.
3. The learned Counsel for the applicant submits that the only non-bailable provision the accused is charged is under Section 123 of the Bharatiya Nyaya Sanhita, 2023, which is equivalent to Section 328 of the Indian Penal Code. He submits that the seizure of whiskey bottles does not constitute poison for invoking this section. The Chemical Analysis report does not indicate that the material seized is hazardous.
4. In view of the same, the application is allowed in following terms :-
 - i] In the event the applicant is arrested in connection with FIR No.261/2024, dated 13/08/2024, registered by State Excise Department at Nanded for the offences punishable under Section

65 (A,B,D,E), 80, 81, 83, 90, 103 of the Maharashtra Prohibition Act, 1949 and under Section 123 of the Bhartiya Nyaya Sanhita, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

5. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

6. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

7. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.