

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

ANTICIPATORY BAIL APPLICATION NO.638 OF 2024

Sachin Vinayak Chavan

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Jaydeep Mane, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.609/2023, dated 24/08/2023, registered with Pandharpur Taluka Police Station, Solapur Rural, under section 328 of the Indian Penal Code and under sections 65(f) and 65(e) of the Maharashtra Prohibition Act.

2. Heard Mr. Jaydeep Mane, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by Police Constable Prashant Kolekar, attached to Pandharpur Taluka police station. He has stated that he along with his colleagues was on the patrolling duty on 24/08/2023. They received a secret information that the present Applicant was making illicit liquor next to his house. The police party called two Panchas and arranged to conduct a raid. All of them went to the spot. They noticed that there was a place where the process of making liquor was going on. No one was present there. There were some chemicals and other mixtures at that spot. The police removed some sample and unnecessary articles were destroyed there itself. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the place where this process was going on, does not stand in the Applicant's name. He has no connection with making of illicit liquor. He was not found at the spot. There are no witnesses who had named him having any connection with the said

process. He is arraigned as an accused on suspicion because his house was nearby.

5. Learned APP on instructions submitted that there are no statements of any particular witnesses who have specifically named him in connection with the said offence. However, the Panchanama as well as the FIR mentions that the secret information specifically names the present Applicant and therefore he is showed as an accused.

6. I have considered these submissions. The investigation which is carried out so far, does not show any definite material against the present Applicant. There is obviously no source of secret information, but apart from that even otherwise, there are no witnesses who have shown any connection of the present Applicant with the alleged offence. The place where the process was going on does not stand in his name. The only remote connection of the present Applicant is that his house was in the vicinity. But that itself is not sufficient.

7. Considering this vague material against the present Applicant, his custodial interrogation would not be justified. He can be protected u/s 438 of Cr.PC.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.609/2023, dated 24/08/2023, registered with Pandharpur Taluka Police Station, Solapur Rural, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)