

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

ANTICIPATORY BAIL APPLICATION NO. 516 OF 2024

Sunil Narayan Chavan

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Sachin M. Bhavar for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 28 FEBRUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.381 of 2020 registered at Vairag Police Station, Solapur Rural, on 10.09.2020, under section 328 of the Indian Penal Code and under section 65(f) of the Maharashtra Prohibition Act.

2. Heard Mr. Sachin Bhavar, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by the PHC Yogesh Khalate. He has stated that, on 09.09.2020 at about 6.00a.m. the police officers

received an information that the illicit liquor was stored and being manufactured at village Yamai Tanda. Therefore, the police arranged to conduct raid there. They went in a vehicle with the necessary articles. When the police officers reached there, there were 3-4 places where the illicit liquor was being manufactured. When the police reached there, the persons who were in the process of manufacturing illicit liquor ran away. The police chased them. They were not caught. The police found 21 iron and plastic barrels. They were filled with chemicals and the articles used for making that illicit liquor. The enquiry revealed that the illegal business was conducted by the applicant and 12 others. On this basis, the F.I.R. was lodged. As of today the investigation is over and the charge-sheet is filed. The charge-sheet contains statements of the other police officers who were the members of the raiding party.

4. Learned counsel for the applicant submitted that, there is no absolutely any material against the present applicant. The allegations in the F.I.R. are based on the vague information. There is no supporting statement of any witness showing as to how the

applicant was connected with the said illegal business. The police have conveniently stated that the persons who had given the information wanted to keep their identity secret. However, the police have not recorded their statements by keeping their identity secret. Therefore, there is no material against the present applicant.

5. Learned APP relied only on the F.I.R. and the statements of the raiding party members which were included in the charge-sheet. Beyond that, she could not point out any definite material against the present applicant.

6. Thus, it can be seen that the allegations against the present applicant are vague. There is no definite material to indicate as to how the applicant was involved in the offence. The persons who had given the information have not come forward and, therefore, it is very difficult to believe that there is some connection of the present applicant with the said illegal business in the present case. In this view of the matter, the applicant can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.381 of 2020 registered at Vairag Police Station, Solapur Rural, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)