



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.180 OF 2024

Prashant Bajarang Ambatkar

Vs.

State of Maharashtra, through its PSO, PS, Butibori, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri/s R.G. Sahu, G.S. Chandok and G.G. Sahu, Advocates for
applicant.

Ms Sneha Dhote, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : APRIL 17, 2024.

The applicant has filed application under section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.569/2023 registered with Police Station, Buttibori, District Nagpur for the offences punishable under sections 328, 420, 467 and 471 read with section 34 of the Indian Penal Code and under section 65(a) to (f), 67-1A, 67-C, 72, 83, 86 and 90 of the Maharashtra Prohibition Act.

2. Heard learned counsel for the applicant as well as learned APP for the non-applicant/State. I have gone through the charge-sheet.

3. The allegation against the applicant is that he alongwith co-accused was involved in manufacturing of spurious liquor, hazardous and poisonous for human consumption. After getting secret information, the police

have conducted a raid and found various chemicals, spirits, artificial flavours, empty bottles and various articles used in manufacturing the liquor. Police have seized articles worth Rs.54,32,092/- from the spot.

4. It is the contention of the learned counsel for the applicant that the applicant was neither present on the spot nor his name appearing in the FIR. Even charge-sheet has been filed against the co-accused showing the applicant as absconding. The learned Sessions Judge has rejected the bail on the ground that there is no apprehension of arrest, which is factually incorrect.

5. Per contra, learned APP submits that the applicant is absconding. The applicant is having criminal antecedents. There is material against the applicant. Mere filing of charge-sheet does not entitle him for grant of anticipatory bail. On the basis of CDR, calls between co-accused and present applicant shows that the present applicant is involved in selling spurious liquor. Therefore, she sought rejection of the bail.

6. The prosecution is objecting the bail application and submits that the applicant was absconding therefore he would not be available for trial itself goes to show that there exists apprehension. Perusal of charge-sheet goes to show that he was not present on the spot when raid was conducted. Even record does not suggest that the applicant

is the owner of the said premises, where the raid was conducted. Considering the material against the applicant and the fact that the investigation has already been completed, a case is made out for anticipatory bail. Hence, the application is allowed. Interim order dated 20.03.2024 is confirmed.

JUDGE

Wagh