



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 295 OF 2024

Subrat S/o Mahadev Bishwas and two others

..VS..

State of Maharashtra through PSO, P.S. Chamorshi, Dist. Gadchiroli

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

Court's or Judge's orders

Mr. Vishwjeet Sambre, Advocate h/f. Mr. R.R. Vyas, Advocate for
applicants.

Mr. H.R. Dhumale, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09th MAY, 2024

Apprehending the arrest at the hands of Police in connection with Crime No.91/2024, registered with Police Station Chamorshi, District Gadchiroli for the offence punishable under Sections 65(f) and Section 83 of the Maharashtra Prohibition Act, 1949, the applicants approached to this Court for grant of pre-arrest bail.

2. The accusation against the present applicants is on the basis of report lodged by Police Constable – Vainkatesh Bodyalu Yellela alleging that on 24.03.2024 when he was on duty, a secrete information was received that to provide the liquor during the election period, the applicants have collected the raw material i.e. Mhowa Flower and other raw material and manufactured the liquor and transported it illegally for the purpose of circulating the said during election period. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that as far as the custodial interrogation is concerned, which is not required, as the entire stock is already recovered. In view of that, the applicants be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that there are criminal antecedents against the applicant Nos.1 and 3, therefore, the prayer for grant of anticipatory bail deserves to be rejected.

5. After considering the entire investigation papers and after perusing the recitals of the First Information Report, it reveals that there are criminal antecedents against the applicant Nos.1 and 3, they have manufactured the said illicit liquor to circulate it during the election period. Considering the criminal antecedents against the applicant Nos.1 and 3, there prayer for grant of ad interim anticipatory protection is already rejected. As far as the protection of anticipatory bail is concerned, considering the criminal antecedents against them, they are not entitled for any protection. As far as applicant No.2 is concerned, against whom there are no criminal antecedents, therefore, interim protection granted to him deserves to be confirmed on the similar terms and conditions.

6. Accordingly, I proceed to pass following order :

- i) The application is partly allowed.
- ii) The interim protection granted to the applicant No.2 – **Debudas S/o Upen Mandal** on 29.04.2024, is hereby confirmed with the similar terms and conditions.
- ii) The application of applicant Nos.1 and 3 for grant of anticipatory bail is hereby rejected.

The application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)

Kirtak