



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

**CRIMINAL APPLICATION (BA) NO.632 OF 2024**

Nikhil Raju Kshirsagar

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Ashti,  
District Gadchiroli

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

Court's or Judge's orders

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Mr. A. C. Jaltare, Counsel for applicant through video conferencing.  
Mr. S. S. Hulke, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 16/08/2024**

1. The applicant came to be arrested on 11.05.2024 in connection with Crime No.72/2024 registered with Police Station Ashti, District Gadchiroli for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and under Sections 65(a) and 83 of the Maharashtra Prohibition Act and under Section 184 of the Motor Vehicles Act.

2. The accusation against the present applicant is on the basis of report lodged by Santosh Tikaram Nagulwar who is serving as a Police Officer and posted at Police Station Ashti, Taluka Chamorshi, District Gadchiroli on an allegation that his superior has called him in the chamber and disclosed that they have received a secret information that in four-wheeler car, illicit liquor would be transported

therefore, they have conducted the raid at Ashti Allapalli road and the vehicle was intercepted bearing No.MH-32-AH-5556. It is alleged that when they have given a signal to stop the vehicle, the driver of the vehicle driven it in a rash and negligent manner in which two of the officials have sustained the injuries and thereafter, the vehicle was stopped and on interception of the vehicle, the stock of illicit liquor was found in the said vehicle. On the basis of the report, the police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, he was not driver, he was travelling in the said vehicle. The stock is already recovered. Learned Counsel for the applicant submitted that though there are criminal antecedents, however, in three of the offences he is acquitted and one offence is pending against him. He submitted that considering now, the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that there are criminal antecedents against the present applicant. Moreover, the manner in which the vehicle was driven which was endangering the human life. Two Police Officials have sustained the injuries and the huge stock of the

illicit liquor was found on interception of the vehicle, *prima facie* case is made out against the present applicant and therefore, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that there are eye witnesses to the incident from which it discloses that the vehicle was driven in such a manner to endanger the human life and in which two police officials have sustained the injuries. Admittedly, the injuries sustained are simple in nature. However, considering that the co-accused who has driven the vehicle which was driven in a rash and negligent manner. As far as the role of the present applicant is concerned, who was only travelling in the said vehicle, he was neither owner or driver of the said vehicle. Admittedly, the investigation is already completed, charge-sheet is filed. Considering the role attributed to the present applicant, he has made out a case of grant of bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

#### **ORDER**

(i) The application is allowed.

(ii) The applicant **Nikhil Raju Kshirsagar** shall be released on bail in

connection with Crime No.72/2024 registered with Police Station Ashti, District Gadchiroli for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and under Sections 65(a) and 83 of the Maharashtra Prohibition Act and under Section 184 of the Motor Vehicles Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**