



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 ANTICIPATORY BAIL APPLN NO. 164 OF 2025

**SHAMRAO SADASHIV SHINDE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr.C.B.Chaudhari
APP for Respondent-State : Mr.S.K.Shirse

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06.03.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No. 326/2024, registered with Excise Police Station, Dist. Dhule, for the offence punishable under Section 65 (e), 83, 90 and 108 of the Maharashtra Prohibition Act, 1949.

3] This Court, by order dated 17.02.2025, has granted interim protection in favour of the applicant for the submissions and reasons stated in para nos.3, 4 and 5, as noted below :

3. The learned Counsel for the applicant submits that when the raid was conducted, the applicant was not found at the spot. The only

evidence against the applicant is the statement of the co-accused, based on which the applicant cannot be arrested. There is no chemical analysis report showing that the liquor was poisonous.

4. Per contra, relying upon the order passed by this Court at the Principal Seat in the case of ABA/1034/2024 with ABA/1035/2024, decided on 26/04/2024, the learned APP submits that the offence is serious, and if the liquor had been sold in the market, it could have caused serious health issues to the customers. There is material evidence against the accused.

5. Considering the fact that there is no independent evidence against the applicant, the liquor seized is diluted, no chemical analysis report is available to prove that the liquor is hazardous, and there are no antecedents against the applicant, interim protection is granted to the applicant.

4] The learned counsel for the applicant submits that in pursuance of the aforesaid order, the applicant has attended the concerned police station and has co-operated with the investigation.

5] Considering the same, the interim protection granted by order dated 17.02.2025 stands confirmed, in the following terms :

i] The applicant shall attend the concerned police station as and when required by the investigating officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

6] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC