



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.320 OF 2025

1. Vishal Vinayak Wagh
Age : 35 years, Occu. : Labour,
R/o. Fule-Nagar, Moglai,
Tq. & Dist. Dhule
2. Gautam Narendra Mali,
Age : 34 years, Occu. : Driver,
R/o. Thava, Post Netrang,
Dist. Bharuch, Gujrat,
Presently at Fule - Nagar, Moglai,
Tq. & Dist. Dhule

... Applicants
(Orig. Accused Nos.2 & 7)

Versus

The State of Maharashtra,
Through The Police Inspector/
Investigating Officer in
Crime No.14/2025,
Chalisgaon Road, Police Station,
Tq. & Dist. Dhule

... Respondent.

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Mr. Baig Mirza Mazhar Javed, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 12 MARCH 2025
PRONOUNCED ON : 13 MARCH 2025

ORDER :

1. Present application by applicants is for grant of regular bail on account of their arrest in Crime No.14 of 2025 registered at Chalisgaon Police Station, District Dhule for offence punishable under sections 123, 336(3), 349, 350(2), 318(4) of the Bharatiya Nyaya

Sanhita and under sections 65(a), 65(b), 65(c), 65(e), 65(f), 67, 83 and 86 of Maharashtra Prohibition Act, 1949.

2. Learned counsel for applicants submitted that applicants are arrested in above offence on 24.01.2025. That, there are allegations that they were in possession of adulterated liquor. That, informant, who were from Local Crime Branch claimed to have received secret information about illegal liquor being possessed for sale in a premises behind Sumaiya marriage hall, in a house owned by Shaikh Javed Shaikh Mohd. and as such it is alleged that, raid was conducted and authorities claimed to have seized liquor boxes worth of Rs.7,95,160/-. That, the contraband is already seized on 24.01.2025 itself. That, no further recovery or discovery is shown to be made and therefore, their further detention is unwarranted. Learned counsel for applicants undertakes to abide any and all conditions deemed fit by this court including condition for not to leave jurisdiction of police station and prays for grant of relief.

3. Learned APP opposed on the ground that on secret information authorities led and conducted trap and found applicants in possession liquor boxes worth of Rs.7,95,160/-. That, both applicants have criminal antecedents and 6 and 11 crimes respectively are registered against them, and therefore, learned APP

apprehends misuse of liberty for entering again in said business.

4. Heard. Perused the papers and FIR dated 24.01.2025 by one Prashant Chaudhari, Police Head Constable, posted in Local Crime Branch. Substance of the FIR is that, secret information was received about illegally manufactured liquor stored for sell in the premises behind Sumaiyya marriage hall and therefore raid was conducted and liquor boxes worth Rs.7,95,160/- were found in the house, which apparently stood in the orchid of guava and it was in the name of Shaikh Javed Shaikh Mohd. Present applicant Vishal and Gautam are apprehended in above crime. FIR itself shows that, necessary seizure has been caused and samples are already drawn. Prosecution has opposed primarily on the ground of criminal antecedents and possibility of misuse of liberty. Learned counsel for applicants has undertaken to abide any condition imposed by this court. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. Applicants, namely (i) Vishal Vinayak Wagh and (ii) Gautam Narendra Mali be released on bail in connection with Crime No.14 of 2025 registered with Chalisgaon Police Station, District Dhule, on executing Personal Bond of Rs. 15,000/- each with one surety each in the like amount, on the following conditions:

- [a] The applicants shall not tamper prosecution evidence.
- [b] The applicants shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [d] The applicants shall attend the concerned police station thrice in every week i.e. on every Monday, Thursday and Saturday and maintain personal diary of their attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)