



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

943 ANTICIPATORY BAIL APPLICATION NO. 1899 OF 2023

1. Ramkisan Rangnath Kadam,
2. Khalid s/o Abdul Pathan.

VERSUS

1. The State Of Maharashtra,
2. The District Superintendent of Police, Beed.

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Advocate for applicants : Ms. Priyanka Jadhav h/f Mr. Thombre S.S.
APP for Respondents-State: Mr. A.A.A.Khan

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 28, 2025.

PER COURT :-

1. Heard learned counsel Ms. Priyanka Jadhav holding for Mr. S. S. Thombre for the applicants and the learned APP for the respondent-State.
2. The applicants are apprehending arrest in connection with FIR No.404/2023, registered with the State Excise Department, Flying Squad, Mumbai, office at Beed, for the offences punishable under sections 65 (a), (b), (c), (d), (e), (f), 81, 83, 86 and 90 of the Maharashtra Prohibition Act.
3. This Court, by order dated 10/11/2023, granted protection to the applicants. The learned Counsel for the applicants submits that the applicants have attended the police station and cooperated with the investigation.
4. The case registered against the applicants alleges that when a raid was conducted on Gut No. 130, it was found that illicit liquor was being

manufactured at that place, and water was being supplied without permission. During the raid, one person was found on the spot who provided the names of the present applicants/accused. Applicant No. 1, Ramkishan, is alleged to be the person running the factory, while Applicant No. 2, Khaled Abdul Pathan, is stated to be the owner of the pick-up vehicle found at the spot.

5. The learned Counsel for the applicants submits that Applicant No.1 is not the owner of Gut No.130 but is owner of Gut No.131 which is let out to one Ganesh Walke for the period from 25/09/2023 to 24/09/2024. She further submits that the raid was conducted on Gut No. 130, and the only evidence against Applicant No.1 is the statement of the co-accused, who alleged that Applicant No. 1 is the owner of the manufacturing facility on Gut No.130.

6. Regarding Applicant No. 2, the learned Counsel states that the applicant has entered into an agreement for the sale of the vehicle, which has been produced on record at page No. 32. She further submits that, apart from the statement of the co-accused, there is no other material connecting the present applicants to the alleged crime. Additionally, she emphasizes that there are no antecedents against the present applicants/accused.

7. The learned APP objected to the confirmation of the interim relief. However, considering that the only material available is the statement of the co-accused, and *prima facie* there is no other evidence connecting the present applicants to the crime, and further that there are no antecedents against applicants, the interim protection granted by order dated 10/11/2023 is confirmed.

8. In view of the above, the application is allowed in the following terms : -

i] In the event the applicants are arrested in connection with FIR No.404/2023, registered with the State Excise Department, Flying Squad, Mumbai, office at Beed, for the offences punishable under sections 65 (a), (b), (c), (d), (e), (f), 81, 83, 86 and 90 of the Maharashtra Prohibition Act, they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when called by the police.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and

also in the proceedings before the trial Court.

9. In the event, the applicants violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. 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.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.