IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1659 of 2025

Atul Chandrahas Kamble
Age 42 years, Occ. Labour,
R/at Post Bawada, Tehsil Indapur,
District Pune, Maharashtra. … Applicant

versus

The State of Maharashtra
Through State Excise Department,
Daund Division, Tehsil Daund,
District Pune, Maharashtra. … Respondent

Mr Prasad A Kamthe, for the Applicant.
Mr Arfan Sait, APP, for Respondent / State.

Coram: R.N. Laddha, J.
Date: 20 June 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.320 of 2024, registered with the State Excise Department, Daund Division, Pune, for the offences punishable under Sections 65(A), (B), (C), (D), (E), (F), 81, 83, 90 and 108 of the Maharashtra Prohibition Act,1949.

2. The prosecution alleges that on 16 November 2024, a confidential informant reported the illicit manufacture, storage,

and sale of counterfeit foreign liquor at the applicant's residence, in Bawada, Taluka-Indapur, District-Pune. Acting on this, the investigating officer, accompanied by two independent panch witnesses, conducted a search. Upon arrival, the applicant fled the scene. A search in the presence of the panch witnesses led to the seizure of a large quantity of counterfeit liquor and related materials from the vehicles found nearby. Further inspection of those vehicles led to seizure of a large quantity of counterfeit foreign liquor and material used in its production and transportation.

3. Mr Prasad Kamthe, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that he has been falsely implicated in the alleged offence. He submits that no recovery has been effected from the applicant, nor has any illicit liquor or other incriminating material been found in his possession, custody, or control. Therefore, there remains nothing to be recovered or discovered at the instance of the applicant.

4. The learned Counsel further submits that the raiding party threatened and intimidated the applicant's wife and obtained her signature on a blank sheet of paper. Therefore, she submitted a written complaint to the Superintendent of Police, Pune (Rural Division), detailing the unlawful actions of the

concerned officer. The applicant is willing to comply with any conditions this Court may impose if granted bail.

5. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He submits that the applicant fled the scene upon becoming aware of the arrival of the raiding party at his residence, where vehicles were found to be loaded with a substantial quantity of illicit liquor, which had been carefully stored and concealed. Mr Sait emphasises that the investigation into the procurement and distribution of the illicit liquor is still at a nascent stage, and the applicant's custodial interrogation is necessary for uncovering the broader nexus involved. He argues that the applicant's arrest is imperative to trace the entire supply chain, which may involve other individuals and possibly an organised network. According to him, granting pre-arrest bail at this juncture would seriously impede the progress of the investigation and pose a threat of destruction or tampering with crucial evidence. Mr Sait further submits that a complaint was filed by the applicant's wife four days after the registration of the present FIR, which appears to have been lodged at the applicant's behest and is *prima facie* motivated and fabricated, with intent to mislead the investigation or create a counter-narrative. Furthermore, the

learned APP submits that the applicant has criminal antecedents of similar nature, which disentitle him from the discretionary relief of pre-arrest bail. In view of these factors, he urges the Court to reject the present application.

6. It is a settled principle in law that the power to grant an anticipatory bail is extraordinary. While it has been acknowledged in many instances that regular bail is considered the general rule, the same cannot be said for anticipatory bail. The decision to grant anticipatory bail should be exercised with careful and prudent discretion by the Court, considering the specific circumstances of each case. When exercising this power, the Court must exercise caution, as granting protection in serious cases could potentially lead to a miscarriage of justice or hinder investigation by allowing tampering or destruction of evidence. A profitable reference in this regard can be made to the decision in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr., 2024 SCC OnLine 282.*

7. Upon perusing the records, it appears that, pursuant to receipt of specific information regarding the unlawful manufacture, transportation, and sale of illicit foreign liquor allegedly emanating from the applicant's residence, a raid was conducted by the concerned authorities. However, upon noticing the arrival of the raiding party, the applicant

absconded from the premises and evaded apprehension. Subsequently, search operations led to the recovery of a substantial quantity of illicit liquor, which was found stored in the vehicles parked in the premises of the applicant's residence.

8. During the course of the investigation, three vehicles allegedly used for storing and transporting the illicit liquor were seized, and it appears that these vehicles are registered in the name of the applicant or are otherwise connected to him. At this juncture, the investigation is at a nascent stage. The alleged offence pertains to the unlawful manufacture, transportation, and sale of illicit foreign liquor; acts which constitute grave violations of state excise laws and have far-reaching ramifications for public health and safety. Such activities not only subvert regulatory frameworks but also facilitate organised criminal conduct. Therefore, a meticulous and in-depth investigation is essential to identify the broader nexus and ensure that culpable persons are brought to justice.

9. As regards the counter-allegation made by the applicant's wife against the members of the raiding team, it is seen that the purported incident is stated to have occurred on 17 November 2024, yet the complaint was lodged only on 21 November 2024. This unexplained delay casts serious doubt on the veracity and *bona fides* of the allegation raised therein.

10. It is pertinent to note that the FIR in the present matter was lodged on 17 November 2024. However, the applicant did not make an immediate effort to seek the protection of anticipatory bail. Instead, he chose to file initial application for pre-arrest bail only in March 2025, indicating a considerable delay without any plausible explanation. The said application was duly considered and subsequently rejected by the learned Sessions Court on 17 March 2025. Thereafter, the applicant has once against approached this Court by way of the present application filed on 16 June 2025, approximately three months after the rejection of his earlier plea. This sequence of events reflects not only a lack of deligence but also an apparent unwillingness on the part of the applicant to submit himself to the legal process. Furthermore, during the intervening period, the applicant remained untraceable and failed to extend any cooperation to the investigating agency, thereby impeding the progress of the investigation. Such conduct demonstrates a deliberate attempt to evade the due process of law and undermines the applicant's claim for discretionary relief.

11. In light of the gravity of the offence, its implications on society, and the stage of the investigation, the applicant's custodial interrogation would be necessary. As a result, the application stands rejected.

[R.N. Laddha, J.]