



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

CRIMINAL APPLICATION (ABA) NO.298 OF 2025

Vishal s/o Shambhu Mandal

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Kondhali, District Nagpur

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

Court's or Judge's orders

Mr. K. S. Ghatate, Counsel for the applicant.

Mr. M. J. Khan, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 13/06/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.69/2025 registered under Sections 340(2), 338, 318(4), 3(5), 123 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 90, 86, 83, 72, 67C, 67-1A, 65(f), 65(e), 65(d), 65(c), 65(b), 65(a) of the Maharashtra Prohibition Act, the applicant approached before this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by the A.P.I. on an allegation that, on the basis of secret information that the applicant and the other co-accused are manufacturing the liquor at Mouza Metpanjara. They conducted the raid and during the raid, huge quantity of liquor was seized from the possession of one Mithun Mahadeo Shaha

and the owner of the agricultural field namely Pankajkumar Bacchan. On the basis of the said report, the police have registered the crime against the applicant. During the investigation, the involvement of the present applicant is revealed on the basis of the statement of the co-accused.

3. Heard the learned counsel for the applicant, who submitted that, the applicant was neither at the spot of incident nor any contraband article like illicit liquor was seized from his possession. He is arrested merely on the basis of the statement of the co-accused. As far as his custodial interrogation is concerned, which is not required. In view of that, he be protected. He further submitted that the applicant has already cooperated with the investigating agency.

4. Learned APP strongly opposed the said application and submitted that during the investigation it reveals that the applicant has obtained two rooms in one agricultural field on rent, and 2000 liters spirit was seized from the said spot of incident. They were manufacturing the illicit liquor without any licence or permit from the Government. Moreover, the applicant has not cooperated with the investigating agency. He was directed to produce the mobile phone, but the mobile phone he was using to communicate with other co-accused is not produced by him and he tried to mislead the investigating

agency. In view of that, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that the involvement of the present applicant is not only on the basis of the statement of the co-accused, but it reveals during the investigation that the applicant and other co-accused have obtained the premises on rent. A huge quantity of spirit was seized from the spot of incident. Moreover, he has not cooperated with the investigating agency and tried to mislead the investigating agency by producing the other mobile phone which he has not produced. Thus, considering the fact that the applicant has not cooperated with the investigating agency though he was directed to do so, in view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)