



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

CRIMINAL APPLICATION (BA) NO.408 OF 2025

Mithun s/o Mahadeo Shaha

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Kondali, Nagpur, 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. Kshitij N. Jain, Counsel for the applicant.

Ms. H. N. Prabhu, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 29/04/2025

1. The present applicant is arrested on 18.02.2025 in connection with Crime No.69/2025 registered with Police Station Kondali, Nagpur, District Nagpur for the offence punishable under Sections 123, 318(4), 338, 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Under Sections 65(a), 65(b), 65(c), 65(d), 65(e), 65(f), 67-1A, 67C, 72, 83, 86, 90 of the Maharashtra Prohibition Act on an allegation that when the Local Crime Branch police officials were on patrolling duty, they received a secret information that some persons are manufacturing the liquor unauthorizedly and illegally. Immediately, they have conducted a raid and the present applicant was found in possession of country liquor. Accordingly, the said country liquor was seized by the investigating agency and the present applicant

was arrested. On the basis of the said report, police have registered the crime.

2. Heard learned Counsel for the applicant, who submitted that the applicant is doing a labour work. The spot of incident i.e. the agriculture field and the house therein is obtained by one Bechan Chandrabali Sinha on rent i.e. Survey No.24/1 admeasuring 4 acres and the applicant is working there. As far as the manufacturing of country liquor is concerned, he is not at all concerned with them. Now the entire stock is already recovered. Nothing is to be recovered, and therefore further incarceration of the present applicant is not required, in view of that he be released on bail.

3. Learned APP strongly opposed for the same on the ground that other co-accused is absconding. Though the present applicant is stating that he is labour, but the recitals of the FIR shows that he was the person, who was found in possession of the said country liquor, bottles and stock, and therefore, his custodial interrogation is required for the purpose of the investigation as the investigation is not yet completed.

4. On hearing both sides and on perusal of the recitals of the FIR and investigation papers which reveals that the applicant was found when the stock was seized by the police during the raid. Now the

entire stock is already seized. Merely because the other co-accused is absconding, the applicant cannot be kept behind bar, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Mithun s/o Mahadeo Shaha** shall be released on bail in connection with Crime No.69/2025 registered with Police Station Kondali, Nagpur, District Nagpur for the offence punishable under Sections 123, 318(4), 338, 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 65(a), 65(b), 65(c), 65(d), 65(e), 65(f), 67-1A, 67C, 72, 83, 86, 90 of the Maharashtra Prohibition Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose on receiving the notice in advance of seven days.
- (iv) The applicant shall not indulge himself in similar type of activities.
- (v) Registration of a single offence would lead to the cancellation of bail.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)