



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

CRIMINAL APPLICATION (BA) NO. 733 OF 2025

(Gulab S/o Vitthal Devgade

Vs.

State of Maharashtra, Thr. PSO, Police Station Tadgaon, Tahsil
Bhamragad, District Gadchiroli)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Madhur Deo, Advocate for the Applicant.
Ms. Sneha Dhote, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 29th JULY, 2025

1. The Applicant came to be arrested on 24.05.2025, in connection with Crime No.2/2025 registered with Police Station Tadgaon, District Gadchiroli for the offence punishable under Sections 123, 318(4), 348, 349, 350(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 65(a), (b), (c), (d), (e) and 83 of the Maharashtra Prohibition Act, 1949 alongwith the other co-accused.

2. The crime is registered on the basis of the information received by Bhagatsingh Dulat who is the Police Officer on an allegation that on receipt of the secret information, the co-accused Dharmraj who is the illegal liquor dealer alongwith the co-accused persons are running a fake country liquor factory in the Kudkeli forest area, accordingly the trap was laid in the present of panchas. It is found that on the spot of incident a set up was made for manufacturing of

fake country liquor with the help of material and resources required for manufacturing of the fake liquor, which is found to be poisonous to the public health. Moreover, the fake country liquor was shown as Rocket Country liquor by stamping the stickers of Rocket Country liquor on the liquor bottles. Accordingly the crime was registered.

3. As far as the present Applicant is concerned, who was arraigned as an accused as he has paid some amount towards the R.O. filter which was purchased by the co-accused and which was seized at the time of conducting the raid.

4. Heard learned Counsel for the Applicant, who submitted that there is no dispute as to the fact that some amount of Rs.30,000/- was paid by the present Applicant towards the RO filter and merely on that basis he has arraigned as an accused. He also submitted that besides the said payment of Rs. 30,000/-, there is no other material to connect him with the alleged offence. In view of that, he be released on bail.

5. Learned APP, strongly opposed the said application and submitted that at the instance of the present Applicant some liquor bottles were seized by recording the memorandum statement under Section 27 of the Indian Evidence Act. In view of that, his involvement reveals, and therefore, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers, except the payment towards the R.O.

filter and the statement of the present Applicant at whose instance some bottles of illicit liquor was seized, there is no other material to connect the present Applicant with the alleged offence reveals from the investigation papers. Now, the investigation is already completed and charge-sheet is already filed, as far as the allegation that the present Applicant was also running the said illicit liquor factory alongwith the other co-accused, there is no other material. In view of that, the Applicant has made out the case for grant of bail. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The Applicant – Gulab S/o Vitthal Devgade in connection with Crime No.2/2025 registered with Police Station Tadgaon, District Gadchiroli for the offence punishable under Sections 123, 318(4), 348, 349, 350(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 65(a), (b), (c), (d), (e), (f) and 83 of the Maharashtra Prohibition Act, 1949, be released on bail, on executing P.R. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- iii. The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

- iv. The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
 - v. The Applicant shall not indulge in the similar type of activities and single registration of the offence would lead to the cancellation of bail.
7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)