



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

CRIMINAL APPLICATION (ABA) NO. 595 OF 2025

Shrvankumar s/o Vijaykumar Jaysval @ Jaiswal Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.M. Daga, counsel for applicant.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/08/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.195/2025 registered at State Excise Department, Chandrapur for the offence punishable under Sections 65(b)(e)(d) and (f), 80, 81, 83, 90 and 103 of the Maharashtra Prohibition Act and under Section 123 of Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. It is alleged that on receipt of information that co-accused - Pawan Vijay Jaiswal illegally stored liquor for sale at his house situated at Vidya Nagar Ward, Ballarpur, the raid was conducted and country liquor, foreign liquor and other types of the liquor were seized worth of Rs. 1,30,000/- from the house of the co-accused Pawan Jaiswal. During the interrogation with the said arrested accused, the name of the present applicant is revealed and therefore, the applicant is arraigned as an accused.

2. Heard learned counsel for the applicant, who submitted that the apprehension of the present applicant is on the basis of the reply filed by the State Excise Department before the trial Court, which shows that co-accused was inquired and interrogated and the name of the present applicant revealed on the basis of the statement of the co-accused, and therefore, he is apprehending the arrest. He submitted that as far as the seizure of the Muddemal is concerned, is not in possession of the present applicant, he is brother of the co-accused and therefore, he is implicated in the alleged offence. As far as the custodial interrogation is concerned, physical custody is not required, in view of that, he be protected by granting ad-interim protection.

3. Learned APP strongly opposed for the same and submitted that considering the fact that during interrogation, the co-accused has stated the entire transaction is within the knowledge of the present applicant and therefore, his custodial interrogation is required.

4. On hearing both sides and on perusal of the recitals of the report filed by the Excise Department as well as the reply filed before the trial Court. The entire stock was recovered from the possession of the co-accused. The arrangement of the present applicant is on the basis of the statement of the co-accused. As far as the custodial interrogation is concerned, which is not

required. The interrogation part can be taken care of by imposing certain conditions on the present applicant. In view of that, I proceed to pass the following order.

ORDER

- a] Issue notice to the non-applicant.
- b] Learned APP waives service of notice on behalf of non-applicant/State and seeks time to file reply.
- c] In the event of arrest in connection with Crime No.195/2025 registered at State Excise Department, Chandrapur for the offence punishable under Sections 65(b) (e)(d) and (f), 80, 81, 83, 90 and 103 of the Maharashtra Prohibition Act and under Section 123 of Bhartiya Nyaya Sanhita, 2023, the applicant - **Shravankumar s/o Vijaykumar Jaysval @ Jaiswal**, shall be released on ad-interim anticipatory bail, on executing PR. Bond of Rs. 25,000/- with one solvent surety of like.
- d] The applicant shall attend the State Excise Department at Chandrapur on Monday between 10.00 am. to 01.00 p.m. and

shall cooperate with the investigating agency.

- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

5. Stand over on **04/09/2025**.

[URMILA JOSHI-PHALKE, J.]