IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1536 OF 2026

Dattatraya Tukaram Nagapure
VERSUS
The State Of Maharashtra

Mr. R. P. Phatke, Advocate for applicant
Ms. P. J. Bharad, APP for respondent-State

CORAM : R. M. JOSHI, J.
DATE : 14th OCTOBER, 2026

PER COURT :-

1. In response to the notice issued by this Court, Mr. Pradip Ekashinge, A.P.I., Tophkhana Police Station, Dist. Ahilyanagar filed affidavit indicating that the communication received from the Public Prosecutor's office on 17.08.2026, 07.09.2026 and 21.09.2026 through email wherein further communicated to the Investigating Officer or Police Inspector of concerned police station. It is stated in the affidavit that appropriate action would be taken against erring Police Officer who has failed in discharge of duty in communicating the same.

2. After having heard learned APP and the concerned Police Inspector and Investigating Officer who are present via video conferencing and in view of affidavit-in-reply, this Court finds that further no action is required in the matter. It is however expected that action

taken against erring Police Officer would be brought to the logical end.

3. Applicant seek pre-arrest bail in connection with Crime No. 0456 of 2026 registered with Tophkhana Police Station, Dist. Ahilyanagar, for the offences punishable under Section 123 of the Bharatiya Nyaya Sanhita and under Section 65(E) of the Maharashtra Prohibition Act.

4. First Information Report indicates that raid was conducted on the premises purportedly to be owned by the present applicant. From the said spot, illicit liquor was seized.

5. Learned Counsel for applicant, on instructions, makes a statement that applicant is not owner of the said premise nor there is any evidence to connect applicant with the crime in question.

6. Learned APP opposed grant of any protection to the applicant.

7. Investigating Officer who is present on video conferencing makes a statement that the premise is owned by the grand father of the present applicant and that there is no other evidence to show his connection with the said crime.

8. From submissions, it is clear that applicant’s involvement is sought solely on the ground that the applicant is the owner of the said

property. Now, admittedly, he is not owner thereof. In absence of any other evidence, this Court finds no justification to reject application.

9. Hence, application stands allowed

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with Crime No. 0456 of 2026 registered with Tophkhana Police Station, Dist. Ahilyanagar, for the offences punishable under Section 123 of the Bharatiya Nyaya Sanhita and under Section 65(E) of the Maharashtra Prohibition Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station as and when called by Investigating Officer.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

B. S. Joshi