IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 BAIL APPLICATION NO. 1908 OF 2026

Mukesh Walmik Lahane
VERSUS
The State Of Maharashtra
...
Mr. Jadhav Vinod B., Advocate for Applicant
Mr. V. K. Kotecha, APP for the Respondent-State

CORAM : HITEN S. VENEGAVKAR, J.
Dated : 31st October, 2026

PER COURT :-

1. Heard learned Advocate for the applicant and the learned APP for the State.

2. The present application is for regular bail by the applicant, who is arrested in connection with Crime No. 233 of 2026 registered with Sirsala Police Station, District Beed for the Offences Punishable under sections 123, 223, 274, 275 of the Bhartiya Nyaya Sanhita.

3. The allegation pertaining to the offence is that on 12.08.2026, the Police received secret information that a person was transporting prohibited Gutka in Swift Desire Car bearing No MH 43-AN-6420. The raid was conducted. The vehicle did not stop and was intercepted after chase. The accused Mahesh Chawale was found in possession of Vimal Pan Masala, V-1 Scented Tobacco and the vehicle, collecting the value of Rs.6,17,000/-. The crime came to be registered against him.

Subsequently, during investigation, the present applicant's name was revealed and, therefore, he was also implicated as supplier of the seized material and was arrested on 16.08.2026.

4. The learned Advocate for the applicant submits that the prohibited articles have not been recovered from his possession. The entire seizure is from the co-accused Mahesh Chawale. He, submits that the applicant has been implicated solely on the basis of the statement given by the co-accused during investigation and custody. Such statement is inadmissible. He further submits that there is no corroborative material available on record to substantiate the allegations levelled against the applicant. He submits that the applicant is in custody since 16.08.2026. He further argues that there is no recovery and no corroborative material to implicate the applicant. His continued incarceration is unnecessary and he be released on bail. In addition to the submissions on merit, he also submits that co-accused Mahesh Balaji Chawale, from whose possession the entire prohibited goods were recovered and seized, has been released on bail by the learned Additional Sessions Judge, Ambajogai by order dated 05.10.2026 in Criminal Bail Application No. 320 of 2026. He states that the role of the present applicant is much lesser than the role ascribed to the said co accused. Thus, on the law of parity, the applicant deserves to be released on bail.

5. The learned APP opposed the application and argues that the investigation has disclosed that the applicant was supplier of the seized Gutka. The main supplier Santosh Tadalpure and the other persons are said to be arrested and investigated. He further submits that the applicant has criminal antecedents of similar nature. He has been released on anticipatory bail and regular bail in all the matters and the conditions imposed therein have been seriously breached. Taking into consideration the criminal antecedents, the conduct of the present applicant that after release on bail, indulging in the similar nature of offences repeatedly be taken into consideration and the application for bail be rejected.

6. The prosecution case and the investigation papers placed before this court indicates that there is no dispute about the actual seizure of prohibited Gutaka from the co-accused Mahesh Balaji Chawale and the vehicle which was found to be driven by the said co-accused. Thus, the possession has been ascribed to the accused Mahesh Chawale. The investigation after arrest of co-accused Mahesh continued during which the present applicant's name surfaced as supplier and, therefore, the investigation officer accosted the present applicant and after determining his role in the offence, has arrested him.

7. Without commenting on the investigation and the

investigating material, the fact that the sways in favour of the present applicant is release of the co-accused Mahesh Chawale on regular bail by the Sessions Court. The actual prohibited substance is from the possession of Co-accused Mahesh while the role ascertained against the present applicant is only of a supplier. Thus, law of parity clearly applies and I am inclined to exercise my discretionary power to release the present applicant on bail.

8. However, before passing the further order, the conduct of the present applicant needs to be noted. The learned Advocate for the Applicant and learned APP have placed on record the six cases which have been registered against the present applicant of similar nature, wherein the applicant has committed similar kind of offence one after the other, post his grant of discretionary reliefs by the Courts. The detail of the said offences along-with dates of release are incorporated as follows:

Sr. No.	Crime No.	Applications for Regular Bail/Anticipatory Bail	Date or order
1	272/2025	A.B.A. No.729/2025 (Anticipatory Bail)	05.05.2025
2	862/2025	Cri.BA NO. 209/2026 (Anticipatory Bail)	11.05.2026
3	874/2025	Cri. B.A. No 180/2026 (Anticipatory Bail)	20.04.2026
4	198/2021	Cr. B. A. No. 125/2021 (Regular Bail)	27.12.2021
5	18/2025	Cr. B. A. No. 18/2025 (Regular bail)	16.01.2025

9. Perusal of the list of cases and the dates of release substantiates the submissions of the learned APP that the accused is habitual of commissioning of the crime and has indulged himself in similar kind of offences inspite of getting discretionary reliefs of releasing him on bail on certain conditions. On face of it, the discretion of the court has been violated and the terms imposed upon the applicant have also been breached seriously. The conduct of the applicant, therefore, deserves to be taken as a judicial note. The same will be taken into consideration while passing further order. Hence, the following order:

ORDER

(i) The Bail Application is allowed.

(ii) The Applicant- Mukesh Walmik Lahane, in connection with Crime No. 233 of 2026 registered with Sirsala Police Station, District Beed for the Offences Punishable under sections 123, 223, 274, 275 of the Bhartiya Nyaya Sanhita, be released on bail on furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)/-** with one or two sureties of the like amount.

(iii)) The applicant shall attend the Investigating Officer as and when required.

(iv) The Investigating Officer is directed to forward the copy of this bail order to the Investigating Officers of each crime that has been registered against the present applicant and pending till date.

(v) The Investigating Officer of the respective crimes should bring the fact of breach of the conditions of the respective courts to the notice of the said courts, who then will issue suo moto notice to the applicant for cancellation of bail for the breach of its condition. After affording opportunity of hearing to the applicant, the learned courts will then take appropriate decision in respect of cancellation of the discretionary relief granted to the present applicant. This course has now become absolutely necessary for the reason that time and again the accused are found to be indulging in similar kind of offences inspite of there being an undertaking to the court, conditions imposed upon them and the exercise of discretionary relief in their favour.

(HITEN S. VENEGAVKAR, J.)

JPChavan