

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.374 OF 2026**

Radheshyam Hariram Prajapati	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Ranjeet M. Pawar, for the Applicant.
Ms. R. V. Newton, APP, for the Respondent-State.
Mr. Akshay More, PSI, attached to Yavat Police Station, Pune Rural,
Pune, present.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 10th FEBRUARY 2026**

PC:-

1. Heard Mr. Pawar, learned Counsel appearing for the Applicant and Ms. Newton, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.1097 of 2024 registered with Yavat Police Station, Pune Rural, Pune, for the offences punishable under Sections 123 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and

Sections 65(c) and 65(d) of the Maharashtra Prohibition Act, 1949.

3. The prosecution case is set out in paragraph No.3 of the order dated 4th January 2025 passed by the learned Additional Sessions Judge, Baramati, District-Pune in Criminal Bail Application No.1263 of 2024, which reads as under:

“3] The case of the prosecution is that on 04.11.2024 at about 21.50 PSI Waghaj and the police staff alongwith panch witnesses effected raid on the basis of secret information about manufacturing and sale of country made liquor at the edge of stream in bushes within the vicinity of village Dahitane, Tal Daund. They had found 70 ltr liquor and raw poisonous material and instruments required for liquor production worth Rs.3,67,000/- at the spot. The police had seized the same after taking sample which is destroyed on the spot being dangerous to the human health. On enquiry the persons from nearby area had informed the police that Raju Prajapati and Chandar Chavan both resident of Hadapsar, Tal. Haveli are manufacturing the country-made liquor at the relevant spot. Police Head Constable M.S.Chandane had lodged report with Yavat Police Station. On the basis of his report, CR No.1097/2024 came to be registered.”

4. It is the submission of Mr. Pawar, learned Cousnel appearing for the Applicant that no specific role has been assigned to the Applicant. The Applicant was not present at the spot when the raid

was conducted. He submits that place where alleged liquor was being manufactured does not belong to the Applicant and there is no recovery at the instance of the present Applicant. He submits that although there are six antecedents against the Applicant, those are of the year 2016, 2017 and 2019. He submits that in those cases, the Applicant has been granted bail. He submits that the subject FIR i.e. C.R. No.1097 of 2024 has been registered at Yavat Police Station, Pune Rural, Pune. He submits that now the Applicant has shifted to Hadapsar, Pune and the Applicant is ready to abide by any condition imposed by the Court.

5. On the other hand, Ms. Newton, learned APP strongly opposes the Anticipatory Bail Application. She submits that the offence is very serious. She submits that the Applicant is involved in the crime and the Applicant is habitual offender and therefore, the Anticipatory Bail Application be rejected.

6. Perusal of the record shows that this is a second Anticipatory Bail Application. The first Anticipatory Bail Application No.154 of 2025 was allowed to be withdrawn by this Court by order dated 20th January 2026 as the antecedents were not disclosed. However,

in the said Anticipatory Bail Application No.154 of 2025, the Applicant was protected by order dated 20th January 2025 and the said protection was continued for some time. There is nothing on record to indicate that the Applicant has misused the said protection. Although there are six antecedents against the Applicant, the same are of the year 2016, 2017 and 2019. The Applicant has been released on bail in those case. The maximum punishment is of 3 years.

7. As there are six antecedents against the Applicant, by imposing stringent conditions, the Applicant can be granted pre-arrest bail. In view thereof, the following order is passed:

ORDER

- (a) In the event of arrest of the Applicant-Radheshyam Hariram Prajapati in connection with C.R. No.1097 of 2024 registered with the Yavat Police Station, Pune Rural, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the Yavat Police Station, Pune Rural, Pune, as and when called by the Investigating Officer and shall co-operate with the investigation.
- (c) The Applicant shall attend the Hadapsar Police Station, Pune, on every Sunday between 11:00 a.m. to 02:00 p.m. till conclusion of the trial.
- (d) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall not leave India without prior

permission of the learned Trial Court/concerned
Sessions Court.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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