



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

CRIMINAL APPLICATION (ABA) NO. 176 OF 2026

AKASH @ TINYA S/O SUBHASH GAWALI
VS
STATE OF MAHARASHTRA

AND

CRIMINAL APPLICATION (ABA) NO. 156 OF 2026

PRASHANT S/O TANBAJI CHANDANKHEDE
VS
STATE OF MAHARASHTRA

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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Shri T.P.Deshpande, Advocate for applicant in ABA No. 176/2026.
Shri S.M.Rakshit, Advocate for applicant in ABA No. 156/2026.
Shri N.R.Rode, APP for respondent/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 24th APRIL, 2026.

Apprehending arrest, the applicants have preferred these applications in connection with First Information Report No. 1831/2025 dated 29/12/2025, registered with Police Station Hinganghat, District Wardha for the offences punishable under Sections 65(e), 77(a) & 83 of the Maharashtra Prohibition Act, 1949 and Sections 130, 177, 181, 3(1) of the Motor Vehicles Act, 1988.

2. In short, it is the case of the investigating agency through the informant Police Constable Prashant Thombare that a secret information was received that one Dikshit @ Gutali Milind Bhagat had stored the liquor illegally in his house and was about to transport the same. On the basis of the information, a raid was conducted in the house of said Dikshit @ Gutali. In a house raid, said Dikshit @ Gutali was found on the spot and it revealed

that the stock of liquor was stored in his house. So far as the present applicants are concerned, their names have surfaced on the basis of the statement made by the said Dikshit @ Gutali. The co-accused Dikshit has stated that the liquor was taken by Akash @ Tinya Gawali i.e. applicant in ABA No. 176/2026 from one Prashant Chandankhede i.e. applicant in ABA No. 156/2026.

3. The learned counsel for the applicant in ABA No. 176/2026 has submitted that the statement of the co-accused would not be enough to implead the applicants in the FIR. He further submits that though total 40 criminal cases are registered against him (accused in ABA No. 176/2026), in 19 criminal cases, he is already discharged. He further submits that other 20 cases were under the provisions of Maharashtra Prohibition Act.

4. The learned counsel for the applicant in ABA No. 156/2026, which is at the behest of the accused – Prashant Chandankhede, has also stated that, his involvement is on the basis of the statement given by the co-accused i.e. Dixit @ Gutali. He submits that, his client has no criminal antecedents.

5. The learned counsel for the applicant - Akash has relied upon an order dated 01/07/2025 passed by the Coordinate Bench of this Court (Aurangabad Bench) in Anticipatory Bail Application No. 1553 of 2024, more particularly paragraph No. 11, and has contended that even if the applicant/accused is a history-sheeter, that would not be the sole ground to reject the application.

6. The learned APP for the State has contended that both the applicants were involved in commission of crime. According to him, the stock of fake country liquor of 28 boxes and one box of foreign liquor were found. He then, contended that the total cost of the aforesaid liquor is Rs. 3,64,800/-. The learned APP further submitted that the spurious liquor was found in a 'Dry District' and considering the fact that applicant in ABA No. 176/2026 has 40 cases registered against him, his bail application be rejected. He further submitted that the statement of the co-accused would be relevant for investigating the matter and whether that would be a ground to grant anticipatory bail or not, would differ from case to case. He, thus requested for rejection of the application.

7. So far as the applicant in ABA No. 176/2026 by name Akash is concerned, it is not disputed that more than 40 cases were registered against him and out of which, in 19 cases, he is discharged or acquitted. Considering the similar type of cases registered against the present applicant in ABA No. 176/2026 and the fact that the statement of co-accused specifically assigned the role of the present applicant, I am not inclined to allow the application of the applicant Akash @ Tinya Gawali in ABA No. 176/2026.

8. No doubt, it is not the law that in all the cases when the applicants have criminal antecedents, the anticipatory bail is required to be rejected, but the fact cannot be ignored that the similar offences were registered against the applicants. The said fact speaks about the

tendency of the applicants to commit similar types of crime.

9. As regards, the applicant Prashant Chandankhede in ABA No. 156/2026 is concerned, it is not in dispute that, he is the first time offender and there are no criminal antecedents against him. Thus, the reliance placed by the learned counsel for the applicant Akash on order dated 01/07/2025 passed in Anticipatory Bail Application No. 1553/2024 by the Coordinate Bench of this Court, would not be applicable as the facts were totally different. In view of thereof, the following order is passed:-

ORDER

- i) The application qua applicant Akash @ Tinya S/o. Subhash Gawali in ABA No. 176/2026 is **rejected**.
- ii) The application of applicant Prashant S/o. Tanbaji Chandankhede i.e. applicant in ABA No. 156/2026 is **allowed**.
- iii) The order passed by this Court dated 26/02/2026 in ABA No. 156/2026, granting ad-interim anticipatory bail, is confirmed.
- iv) In the event of arrest, in connection with Crime No. 1831/2025 dated 29/12/2025, registered with Police Station Hinganghat, District Wardha for the offences punishable under Sections 65(e), 77(a) & 83 of the Maharashtra Prohibition Act, 1949 and Sections 130, 177, 181, 3(1) of the Motor Vehicles Act, 1988, the applicant -

Prashant S/o. Tanbaji Chandankhede i.e. applicant in ABA No. 156/2026 shall be released on bail on furnishing P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

v) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer.

vi) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.

vii) The applicant shall not leave the India without prior permission of the Court.

viii) Accordingly, the Applications stand **disposed of**.

(RAJNISH R. VYAS, J.)