

MHAM190002082026



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-1, WARUD,
DIST AMRAVATI.**

(Precided over by A.A. Panchbhai)

**CRIMINAL BAIL APPLICATION NO.49/2026
(Atul Khandale +1 ..Vs. State of Maharashtra)**

(A) CASE DETAILS:-

FIR NO. AND DATE	123/2026 dated 26/05/2026
POLICE STATION, DISTRICT AND STATE	Police Station Benoda, Tq. Warud, District Amravati.
SECTIONS INVOKED	under Section 123 of the B.N.S., 2023 and Section 65(E), 83 of Prohibition Act.
MAXIMUM PUNISHMENT PRESCRIBED	Ten years

(B) CUSTODY & PROCEDURAL COMPLIANCE:-

DATE OF ARREST	26/05/2026
TOTAL PERIOD OF CUSTODY UNDERGONE	11 days

(C) STATUS OF TRIAL:-

STAGE OF PROCEEDING (Investigation/ Charge-sheet/ Cognizance/ Framing of Charges/ Trial)	Investigation
TOTAL NO. OF WITNESS CITED IN THE CHARGE-SHEET	N.A.
NUMBER OF PROSECUTION WITNESSES EXAMINED	N.A.

(D) CRIMINAL ANTECEDENTS:-

FIR NO. & POLICE STATION	47/2018, 227/2019, 51/2021, 209/2022, 129/2023, 14/2024, 51/2025, 54/2026 of police station Benoda
SECTIONS	65-D of the Maharashtra Prohibition Act
STATUS (Pending / Acquitted Convicted)	Pending

(E) COERCIVE PROCESSES:-

WHETHER ANY NON BAILABLE WARRANT WAS ISSUED?	N.A.
WHETHER DECLARED A PROCLAIMED OFFENDER?	N.A.

Offence punishable under Section 123 of the B.N.S., 2023 and Section 65(E), 83 of Prohibition Act in CR. No.123/2026, Police Station Benoda.

ORDER BELOW EXH.01

01] The present bail application is filed by the applicant/ accused person, u/s. 483 of the B.N.S.S for regular bail, and with a note that this is the first bail application. It is pertinent to note here, that the offences punishable under Section 123 of the B.N.S., 2023 and Section 65(E), 83 of Bombay Prohibition Act are leveled against the accused person in CR No. 123/2026 of the Benoda Police Station.

The brief facts of the prosecution's case are as follows :-

02] It is alleged by the complainant that on 26/05/2026, on the basis of secrete information, they committed a raid regarding prohibition material on accused Atul Khandale and Chirkut Yuvanate and found seven plastic canes having 32 litres of raw liquor to the tune of Rs.9600/- and cash of Rs.1100/- from Atul and therefore as they were not having license to sell the illegal liquor, hence F.I.R. was registered and accused persons were arrested.

03] The Investigating Officer filed his say vide Exh.05 and resisted the application of the applicant claiming that there are various criminal antecedents against the accused persons specifically Atul Khandale and all the cases are pending against him and some preventive action was also taken against him. Therefore, there is a threat to the health of common people of the village. Hence, the application be rejected.

04] Heard learned APP and Counsel for the accused person.

Submissions :-

05] It is argued on behalf of the applicants, that they have nothing to do with the alleged seized muddemal and they have been arrested on suspicion and as investigation is almost completed, hence, they be released on bail.

06] On the other hand, the A.P.P. has argued that there is likelihood of tampering and hampering of the witnesses.

Reasons and analysis :-

07] On evaluation, there appears no threat or apprehension. The nature of the offence, the role of the applicants, the likelihood of their influencing the course of investigation or tampering with the evidence, including the case of intimidating witnesses likelihood of fleeing justice like leaving country etc, does not appear to be at risk. The MCR report reveals that police had committed a raid regarding prohibition material on accused Atul Khandale and Chirkut Yuvanate and found seven plastic canes having 32 liter raw liquor to the tune of Rs.9600/- and cash of Rs.1100/- from Atul, which is an offence, but under Prohibition Act, and therefore the FIR was lodged.

08] In the present case, it is not known as to whom the said prohibited article was to be administered. There is no specific person claimed who is likely to be hurt. Therefore, there is no known persons or specific person who can be claimed to be caused hurt. Therefore, prima facie the ingredient under section 328 of the I.P.C.(123 BNS) appears to be lacking. Therefore present application is justified. It is not likely that accused persons would be severely punished if sent to

trial. Therefore, his bail application is justified. They be released on bail with following conditions as follows :-

ORDER

1.	The bail application is hereby allowed.
2.	The accused persons shall be released on PR bond to the extent of Rs.25,000/- each, with one surety of like amount.
3.	The applicants shall, at the time of execution of bond, furnish their address and the telephone numbers to this Court.
4.	The applicants shall regularly attend this Court and co-operate it to comply the trial for the above offences.
5.	The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer or tamper with the evidence.
6.	The applicants shall not leave India without permission of this Court.
7.	The applicants shall not commit any similar offence.
8.	Violation of any of the above conditions by the applicants could result in the immediate cancellation of the bail granted.
9.	Soft copy of this Order be sent by e-mail to the applicants through Jail Superintendent forthwith.

Date : 06/06/2026.

(A.A. Panchbhai)
Addl. Sessions Judge-1,
Warud.