

<u>Cri.B.A.No.202/26</u> MHKO010008882026 	<u>Cri.B.A.No.204/26</u> MHKO010008902026 	<u>Cri.B.A.No.209/26</u> MHKO010009262026 
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Common order below Exh.1 in
Cri.Bail Application Nos.202/2026, 204/2026 and 209/2026

Applicants Ravindra Sawant (B.A.No.202/26), Digvijay Rajaram Patil (B.A.No.204/26) and Prafful Himmatlal Padiya (B.A.No.209/26) are seeking relief of regular bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita. Crime No.28/2026 is registered against them & one another by Excise Department, Shahuwadi under sections 65(a)(b)(e), 81, 83, 86, 90 & 103 of the Maharashtra Prohibition Act and section 123 of the Bharatiya Nyaya Sanhita (corresponding to sections 328 of the I.P.C.). The applicants sought reliefs of bail on the grounds mentioned in the applications.

02. The prosecution objected their liberty on the grounds that the applicants found with fake foreign liquor. They have duped the excise of the State to the huge extent. It is to be investigated who supplied them the fake liquor. Accused Shashikant Hegade is still at large. The applicants knew that if somebody would consume the fake liquor there is every possibility of death of a human being. The applicants are not entitled to get bail.

03. Learned advocate for the applicants submitted that section 103 of The Bharatiya Nyaya Sanhita has no application in

the case at hand because the applicants did not administer the alleged material found in their possession. Investigation is completed and except section 103, which is misapplied, are triable by Magistrate. They prayed for releasing the applicants on bail.

04. Learned A.P.P. submitted that the applicants found with fake liquor. Investigation is at preliminary stage. Whole chain is to be unearthed. The applicants are not entitled to get bail.

05. On 25-02-2026 one Seltos four wheeler, bearing no.MH10-DV-3001 was intercepted by Excise Constable K.M. Patil. Applicants Digvijay, Prafulla and Ravindra found with 384 sealed fake foreign liquor bottles. At the instant of applicant Prafulla 4800 more fake liquor bottles seized from his godown in Sangli. The applicants were produced before the learned Magistrate on 26-02-2026 and they were remanded to police custody till 27-02-2026. On 27-02-2026 they were remanded to judicial custody.

06. In the matter of **Ganesh Pandurang Jadhav and another Vs. State of Maharashtra and others (2017) ALL M.R. (Cri.) 3823** it is observed that by no stretch of imagination, manufacturing, possessing gutkha and pan masala would amount to administering poison. Though the applicants found with fake liquor and their case is not identical with material like gutkha or pan masala but the observations in this ruling need to be applied in the case at hand because mere opinion of the excise department that the possession of fake liquor at the instance of the applicants would amount to administering poison is not acceptable. Here, prima facie, application of section 123 of the Bharatiya Nyaya

Sanhita against the applicants is misplaced.

07. The investigation in the crime is completed. There are no previous criminal antecedents at the discredit of the applicants. They are entitled to bail with stringent conditions. In the result, following order is passed -

ORDER

- 1 Applications are allowed.
- 2 Applicants/accused be released on bail on their furnishing a personal bond in sum of Rs.50,000/- each with surety of Rs.25,000/- each and cash surety of Rs.25,000/-each .
- 3 They shall not tamper with the evidence.
- 4 They shall appear before the In-charge of Excise Inspector, State Excise, Shahuwadi, Dist.Kolhapur between 5.00 p.m. and 7.00 p.m. on first Sunday of every month till filing of the chargesheet against them.
- 5 Applicants/accused to comply as per Chapter-I Para 12 of the Criminal Manual.
- 6 Bail before the learned Magistrate.

(D.V.Kashyap)

Date: 20/03/2026

Additional Sessions Judge, Kolhapur.