

MHPU010022922026



Order below Exh. 1 in Cri. Bail Application No. 962/2026

Apprehending the arrest in connection with C.R.No. 13/2026 registered in State Excise, B-Division under Sec. 123 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and under Sec.65(c, d, e, f), 80, 81, 83, 90, 103, 108 of the Maharashtra Prohibition Act, the applicant **Ramdas Haribhau Shelke** has filed this application for pre-arrest bail under Sec. 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). He contends that this is his first bail application and no other application is pending in any other Court.

2. The prosecution case in brief is that on 14/01/2026 the Sub-inspector, State Excise received credible information, that in open space near Sritej Pan Stall at Ahilyanagar Chowk Kothrud, Pune one person is possessing and selling foreign liquor. The raid was conducted and the accused Chetan Khandekar was found in possession 14 bottles of MacDonald and Whisky liquor bottles. On inquiry with him, he told that has has purchased those liquor bottles from this applicant. The liquor bottles were seized and it was prima facie found that the said liquor was adulterated and they were injurious to human health. The crime was registered against them and thus, the applicant apprehend his arrest.

3. The learned advocate for the applicant submits that the applicant has committed no offence and he is tried to be falsely

implicated in this crime on the basis of hearsay information. The accused Chetan Khandekar has been released on bail. The offence under Sec.123 of the BNS is not prima facie attracted and he has relied on the judgment in *Niraj Choudhari v/s State of Maharashtra [Cri. Bail Application No.201/2022 decided on 08/04/2022]* and *Amol Chavan v/s State of Maharashtra [Cri. Bail Application No.288/2022 decided on 19/04/2022]*. Nothing was to be seized from this applicant. He is the local resident and will not flee away. He will abide by all the conditions imposed by this Court. He therefore, submits that the applicant be released on anticipatory bail.

4. The application is opposed by the IO by say (Exh.6). She was personally present at the time of arguments on this application. She has opposed this application contending therein that this applicant was absconded and he has not cooperated in the investigation. He is the manufacturer of the seized liquor and there may be big racket in commission of such offences and the custodial interrogation of the applicant is necessary in this regard. The forensic evidence is yet to be collected and the investigation is incomplete. Shri. Ghogare-patil, the learned APP supports the said contentions.

5. Having considered the rival submissions and on going through the investigating papers, the investigation appears to be practically completed. The alleged contraband has been seized on the spot. The application of Sec.123 of BNS appears to be doubtful. The physical presence of the applicant does not appear to be necessary. The applicant can be put on terms to rule out the apprehension posed by the

prosecution. Hence, I am of the view that there is no reason to keep the applicant behind the bar for investigation and therefore, it would be just to release the applicant on anticipatory bail. Hence, the order.

ORDER

1. The application is allowed.
2. In the event of the arrest of the applicant **Ramdas Haribhau Shelke** in connection with C.R.No. 13/2026 registered in State Excise, B-Division, under Sec. 123 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and under Sec. 65(c, d, e, f), 80, 81, 83, 90, 103, 108 of the Maharashtra Prohibition Act, he be released on bail on their furnishing P.R. bond in the sum of Rs.30,000/- with one surety of the like amount on following conditions-
 - a) The applicant shall not tamper the prosecution witnesses and shall not indulge in any criminal activity.
 - b) The applicant shall submit his address proof and phone details as well as phone details of two close relatives.
3. Violation of any of the condition may entail a ground for cancellation of bail.
4. A copy of this order be sent to State Excise, B-Division by email.

Pune
Date: 30/03/2026

(S.R. Salunkhe)
Additional Sessions Judge, Pune.