

**(The structured frame work as per directions of Hon'ble Supreme Court
in Criminal Appeal No. 825/2026)**

A) CASE DETAILS

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|-----|-------------------------------------|---|
| (a) | FIR Number and Date | 412/2026
11/05/2026 |
| (b) | Police Station, District and State. | Shirur, Pune
Maharashtra |
| (c) | Sections invoked. | Section 123, 3(5) of BNS
and U/s. 65(c), 65(f) of
M.P. Act. |
| (d) | Maximum punishment prescribed. | Ten years. |

B) CUSTODY AND PROCEDURAL COMPLIANCE.

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|------|------------------------------------|---------------|
| (i) | Date of arrest. | Not arrested. |
| (ii) | Total period of custody undergone. | Nil. |

C) STATUS OF TRIAL

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|----|--|----------------|
| a) | Stage of proceedings (Investigation/charge-sheet/ cognizance/ framing of charges/ trial. | Investigation. |
| b) | Total number of witnesses cited in the charge-sheet. | Nil. |
| c) | Number of prosecution witnesses examined. | Nil. |

D) CRIMINAL ANTECEDENTS.

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|----|--|------|
| 1) | FIR no. And Police Station. | Nil. |
| 2) | Sections | Nil. |
| 3) | Status (pending/acquitted/ convicted). | Nil. |

E) PREVIOUS BAIL APPLICATIONS.

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|----|--|------|
| A) | Court. | Nil. |
| B) | Case No. | Nil. |
| C) | Outcome of the cases. | Nil. |
| F) | <u>COERCIVE PROCESSES.</u> | |
| a) | Whether any Non-bailable warrant was issued. | Nil. |
| b) | Whether declared a proclaimed offender. | Nil. |

ORDER BELOW EXH.1

1. This is an application filed by the **applicant/accused no.3 Raosaheb Ibrahim Gavhane** under Sec. 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for anticipatory bail in respect of Crime No. 412 of 2026 registered with Shirur Police Station for the offences punishable U/Sec.123, 3(5) of Bharatiya Nyaya Sanhita, 2023 and U/s. 65(c), 65(f) of Maharashtra Prohibition Act.

2. In short, it is the case of prosecution that on 10.05.2026 acting on secret information that the accused persons are manufacturing illicit liquor by the side of road in a field near a well at village Yevala Matha, the informant police constable Sagar Kailas Borade raided spot along with panchas and found that the manufacturing of illicit liquor was going on at said place. He also found accused no.1 to 3 on the spot and seeing them the accused persons fled away. So, he lodged complaint against accused persons. On its basis, this crime came to be registered against the

accused persons for aforesaid offences. Apprehending arrest the accused no. 3 has moved present application for grant of anticipatory bail.

3. Investigation Officer resisted the application by filing say and prayed for its rejection.

4. Ld. Advocate Shri. V. M. Shendge for the applicant / accused no.3 submitted that the accused no. 3 has not committed any offence and he has been falsely implicated in this crime only on account of political rivalry. He further submitted that the accused no. 3 has fractured leg and so it is not possible for him to run away from the spot and this fact shows that the applicant has been falsely implicated in this crime. He further submitted that the entire muddemal has been destroyed on the spot and so there is nothing to be seized from the possession of applicant and so there is no need of his custodial interrogation. He further submitted that the applicant is a driver and sole earning member of his family. He is permanent resident of given address and so, there is no question of tampering of prosecution witnesses or absconding of accused. He is also ready to abide by any condition which may be imposed by this Court and as such prayed for releasing him on bail.

5] Ld. A.P.P. Shri. Vijay Fargade for the State took me through the case papers and submitted that on the basis of secret information police raided spot wherein they found the accused persons preparing illicit liquor but they absconded. He further submitted that there is prima facie case against the applicant. He further submitted that the investigation is at primary stage and yet, charge-sheet is to be filed and they need custody of applicant to facilitate investigation. He further submitted that if the applicant is released on bail, then there is possibility of repeat of offence, tampering of prosecution witnesses and evidence and absconding of applicant which will create hurdle in the investigation and as such prayed for rejection of the application.

6] Perused the application & say filed by the Investigation Officer. Heard ld. Advocate for both sides. Perused the case papers. It appears from the case papers that the name of applicant is included only on the basis of suspicion. Nothing has been directly found in the possession of applicant. So there is no prima facie case against the applicant. Although the alleged offence is serious in nature but the same is not punishable with death or imprisonment for life. There is nothing to be recovered or discovered from the possession of applicant and so there appears no need of custodial interrogation of the applicant. Applicant is sole earning member of his family. He is permanent resident of given address and so, there is no question of his absconding. So

far, remaining apprehension of the prosecution is concerned, the same can be taken care of by imposing stringent conditions while releasing the applicant on bail.

7] For aforesaid reasons, the applicant has made out a case for releasing him on bail. Therefore, this application deserves to be allowed. Hence, the following order :-

ORDER

1] Application (Exh. 1) is allowed.

2] In the event of arrest in respect of Crime No. 412 of 2026 registered with Shirur Police Station for the offences punishable under Sections 123, 3(5) of Bharatiya Nyay Sanhita, 2023 and U/s. 65(c), 65(f) of Maharashtra Prohibition Act **applicant /accused no.3 Raosaheb Ibrahim Gavhane** be released on bail on his executing PR bond of Rs.50,000/- with one solvent surety in the like amount, on the following conditions :-

a] He shall cooperate with investigating agency as and when called upon and shall not tamper with prosecution witnesses and evidence.

b) He shall attend concerned police station on every Saturday between 10:00 a.m. to 2:00 p.m. till filing of charge-sheet and

also as & when called by the investigation officer and to cooperate in investigation.

c] He shall produce documents showing his photo identity, permanent address and contact number before the Investigating officer.

3] Inform concerned police station accordingly.

(Dictated and pronounced in open Court.)

Ghodnadi-Shirur.
Date:11/06/2026

(N. S. Momin)
Additional Sessions Judge,
Ghodnadi-Shirur, Dist. Pune.