

(1) Criminal Bail Application No. 289/2026

MHPU380031422026



(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 | 489/2026
29/05/2026 |
| (b) | Police Station, District and State. | Shirur, Pune
Maharashtra |
| (c) | Sections invoked. | Sec.123 of the BNS and
u/s. 65(e) of the
Maharashtra Prohibition
Act. |
| (d) | Maximum punishment prescribed. | 10 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**

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

D) **CRIMINAL ANTECEDENTS.**

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|---|------------------------------------|
| 1) FIR No. And Police Station. | 311/2019
Shirur Police Station. |
| 2) Sections | |
| 3) Status (pending/acquitted/ convicted). | ---
Pending. |

E) **PREVIOUS BAIL APPLICATIONS.**

- | | |
|--------------------------|------|
| A) Court. | Nil. |
| B) Case No. | Nil. |
| C) Outcome of the cases. | Nil. |

F) **COERCIVE PROCESSES.**

- | | |
|---|------|
| 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 taken out by **applicant/accused Vijay Vishvanath Jadhav** u/s. 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing him on anticipatory bail in crime No. 489/2026 of Shirur Police Station, Dist- Pune for offence punishable under Sections Sections 123 of the Bharatiya Nyaya Sanhita, 2023, under section u/s. 65(e) of the Maharashtra Prohibition Act.

2. In short, it is the case of prosecution that on 29.05.2026 PSI Sagar Shelke received secret information that the accused is manufacturing country made liquor and selling it. Immediately he along with informant and other staff raided the spot and found that manufacturing of country made liquor with its raw material was going on. After drawing necessary samples, the informant

destroyed said liquor and its articles worth Rs.23,200/-. Thereafter the informant lodged complaint against the accused. As a result of which this crime came to be registered against the accused. Apprehending arrest the applicant has moved present application for anticipatory bail.

3. Investigation Officer resisted the application by filing say dated 18.06.2026 and prayed for its rejection.

4. Ld. Advocate Shri. P. H. Ghadge for the applicant / accused submitted that the accused has not committed any offence and he has been falsely implicated in this crime only on account of suspicion. He submitted that section 123 of BNS is not at all attracted to present crime as there is no administration of any poisons substance by the applicant. He further submitted that the entire muddemal has been destroyed on the spot and so there is nothing to be recovered or discovered from the possession of applicant and so there is no need of his custodial interrogation. He further submitted that the applicant is 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 manufacturing country made liquor. 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. 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. On going through the allegations in the complaint it shows that on the basis of secret information, the raid was conducted and the manufacturing of country made liquor along with its raw material was found on the spot. The recital in the complaint shows that the applicant was not found on the spot and his name came to be included on the basis of suspicion. It is pertinent to note that the entire muddemal was destroyed on the spot itself. As there is no allegation of administration of any poisons substance to any person, there is no any prima facie case against the applicant for the offence punishable under section 123 of BNS.

7. Although the alleged offence is serious in nature but the same is not punishable with death or imprisonment for life. Till date, most of the investigation is already completed. There is nothing to be recovered or discovered from the possession of applicant and so there is 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. Mere pendency of crime does not amount to criminal antecedents. 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.

8. 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.489 of 2026 registered with Shirur Police Station for the offences punishable under Sections 123 of Bharatiya Nyay Sanhita, 2023 and U/s. 65(e) of Maharashtra Prohibition Act applicant/accused **Vijay Vishvanath Jadhav** 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 Friday between 11:00 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 not commit same, similar or any other offence during the aforesaid period.

d] 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:27/07/2026

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