

ORDER BELOW EXH.1

(Kiran Ravindra Kamdi Vs State of Maharashtra)

1] In terms of the present application, the applicant - against whom the Sawangi (Meghe) Police Station has registered crime no.380/2026 on 6-5-2026 under sections 65(e), 68, 77(a), 83 of the Maharashtra Prohibition Act, is seeking anticipatory bail.

2] The FIR regarding the crime, which is available on the record, will show that it has been registered against a juvenile in conflict with law and 15 other known accused persons – including the present applicant, and 2 other unknown persons. The incident in question appears to have occurred on 5-5-2026 when a raid was carried out by the police on the Balaji Family Restaurant situated on the right side of the road proceeding from Waigaon to Deoli, in the course of which country and foreign liquor was found to have been sold to the customers sitting in the said restaurant, some of whom were also found drinking the said liquor. The juvenile in conflict with law - who was sitting at the counter after his apprehension informed the police that the said hotel belonged to his cousin Kiran Kamdi i.e. the present applicant. During the raid, liquor bottles, cash received on selling liquor, beer cans and foreign liquor was found on the tables and other places for enabling the customers to drink in the said hotel. Muddemal worth Rs.1,56,850/- then came to be seized in the said raid. However, the applicant was not found in the hotel at the time of the raid and was stated in the FIR to have absconded.

3] As per the application for anticipatory bail however, no allegations have been made in the FIR against the applicant as nothing was seized from him. It has therefore, been stated that no offence under the Maharashtra Prohibition Act can be said to have been made out against him.

Not only this, but stating that the applicant's custody is not required for the purposes of investigation as nothing is to be recovered from him, only 6 criminal cases - as per the application, are still pending against him in various courts at Wardha and Hinganghat. Pointing out that the police had not issued any notice to the applicant under section 35 of the BNSS, that he is prepared to abide by all the terms and conditions which may be imposed upon him, that he will not abscond or tamper with the prosecution witnesses, the Advocate for the applicant is seeking the relief of anticipatory bail.

4] The Investigating officer has filed his reply (Exh.7). In terms of the same, he has first stated the facts of the matter regarding the raid carried out on the Balaji restaurant in the presence of panchas. Stating that the applicant is the owner of the said restaurant who had made alcohol available to the customers after which he had absconded, the Investigating officer is seeking the rejection of the application. This is because, according to him, Wardha being a dry district, liquor is prohibited in the same, in spite of which the applicant brings liquor from other districts and sells the same at Wardha. Pointing out that 25 criminal cases have previously been filed against the applicant under the Prohibition Act, and that 12 out of the same are still pending in various courts, the Investigating officer has further pointed out that there had been no improvement in the conduct of the applicant as he continues his business of selling liquor in spite of preventive action having been taken against him. Stating that the applicant is absconding since the date of the incident, the Investigating officer has reiterated the fact of the applicant not being entitled to the relief claimed.

5] Heard Shri Umate Advocate for the applicant and Shri Ghude the Id. APP for the State. A perusal of the FIR in question will show that the cousin of the applicant, who was sitting at the counter of the Balaji

restaurant when it had been raided by the police, had informed them about the applicant having employed him at wages of Rs.700/- per day for sitting at the counter of the said hotel and for working there. At this stage therefore, I do not have any reason to doubt the fact of the applicant being the owner of the said hotel. Not only this, but liquor – country and foreign having been found in the said hotel during the raid, there is no substance in the contention that the applicant has been falsely implicated in the matter, as also that no offences under the Maharashtra Prohibition Act can be said to have been made out against him. No doubt that the relevant muddemal had been seized by the police at the time of the raid from the said hotel. That fact by itself cannot automatically to be taken to mean that the applicant is not required to be arrested and taken in custody in the present crime. This is because, his antecedents as stated by the Investigating officer and mentioned even in the application for bail, will clearly indicate that he is in the habit of committing offences regarding the Maharashtra Prohibition Act. Though a grievance has also been made by the Advocate for the applicant about the police not having issued the notice under section 35 of the BNSS to his client, it will have to be noted that the applicant having absconded since the raid on the hotel on 5-5-2026, it is obvious that no such notice could have been served upon him. No relief can therefore, be granted to the applicant on the ground of the said notice not having been issued to him.

6] Thus, in view of the aforesaid discussion and as there appears to be every likelihood of the applicant absconding, I am of the clear view that he has not been able to make out any case for grant of bail. Hence, I proceed to pass the following order.

ORDER

The anticipatory bail application filed by Kiran Ravindra Kamdi in crime no.380/2026 registered by Police Station Sawangi (Meghe) for the

offences punishable under sections 65(e), 68, 77(a), 83 of the Maharashtra Prohibition Act stands rejected.

Date : 04.06.2026

(Ms. S.J. Ansari)
Addl. Sessions Judge, Wardha.

Certificate

“I affirm that the contents of the P.D.F. File order are same word for word as per original order.

S.V. Dakhane,
Stenographer G-1