

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WARDHA
(Presided over by S.A.S.M. Ali, Additional Session Judge, Wardha)

Criminal Bail Application No.267/2026
MHWR010011232026

Bholasingh Lalsingh Bhada,
Aged about 42 Yrs. Occu- Labour work
R/o. Smata Nagar, Gitthi Khadan,
Sawangi (Meghe), Tq. & Dist. Wardha **Applicant.**

Versus

The State of Maharashtra
Through Police Station, Sawangi (M)
Tq. & Dist. Wardha. ... **Non-applicant.**

ORDER BELOW EXH.1
(Delivered on 28/07/2026)

The present application is filed by the applicant under Section 483 of Bhartiya Nagrik Surksha Sanhita, 2023 in Crime No.510/2026 for the offence punishable under Sections 123, 3 (5) of the Bharatiya Nyaya Sanhita read with Section 65(B)(C)(E)(F) of Maharashtra Prohibition Act, 1949 registered at Police Station Sawangi (Meghe), Tq. & Dist. Wardha.

2] It is the case of the prosecution that on the basis of secret information that the applicant along with other three co-accused is preparing liquor at Shikhbeda the raid was conducted on 28.06.2026 at the same place. The applicant along with other three accused were found the preparing liquor with help of Mohwash, water and running

kiln. Accordingly, panchas were called and the material was seized. Out of the four persons two were arrested on the spot including the applicant. The police seized the material and equipments of preparing liquor. On search police found 6 liter of boiled mohawash, in 6 drums, 10 drums of raw mohawash, 90 liter of country liquor and equipments of preparing liquor along with running kiln.

3] According to the applicant, he is not at all concerned with the offence and he is labour by profession and the case filed against him only on the ground of suspicion in order to complete quota of the police. As per F.I.R., the liquor and the material used for preparing liquor was not seized from him. However, no statement of independent witness came to be recorded. It is further contended that without any evidence police jumped to the conclusion that material seized is a poisonous substance. Therefore, according to the applicant nothing remains to be investigated and therefore, he be released on bail. It is also urged that there is no evidence that the material seized was poisonous one.

4] The application is opposed by the investigating officer by filing reply at Exh.5. The only objection to the bail was taken by the state that the applicant is habitual offender of the offence under Prohibition Act and it is necessary to investigate to how the poisonous liquor is been prepared. If the bail is granted he may not turn up to the court or may influence witnesses. Similarly, list of the offences pending against the applicant is also given.

5] Perused the application. Heard respective counsels. It appears from the record that FIR was registered under section 65(b) (c)(e)(f) of Maharashtra Prohibition Act along with 123 of B.N.S. However, bare perusal of the FIR, it appears that the applicant was found on spot and it is alleged that he was preparing liquor along with the other co-accused. The fact remains that the property was not seized from the applicant only. But it was found on the spot.

6] As regard section 123 of the Bhartiya Nyaya Sanhita (old Section 328 of IPC), there are no allegations that the material found on spot was poisonous substance and harmful for a human being or that applicant has forcefully administered it to someone. Therefore, offence under section 123 of the Bhartiya Nyaya Sanhita (old Section 328 of IPC) prima-facie is not made out. The punishment under Section 65 of the Maharashtra Prohibition Act is not more than three years, although it is non-bailable.

7] Be that as it may, the custody of the applicant is not necessary. The investigation is completed. All the other accused already released on bail. The present applicant is in custody since 28/06/2026. The grounds raised by the prosecution for rejection of bail are not sufficient. Therefore, the applicant entitled for bail. Hence, the order :

ORDER

1. The application is allowed.
2. The applicant/accused **Bholasingh Lalsingh Bhada** be released on bail on furnishing solvent surety of Rs.

25,000/- (Twenty Five Thousand) with one solvent surety

3. Applicant/accused is directed not to tamper the witnesses of this case and not to hamper the investigation.
4. The applicant/accused is directed to attend the Police Station as and when called by the investigating officer.
5. Case diary be returned to the investigation officer.
6. Inform the Investigating Officer, Police Station, Sawangi (Meghe) accordingly.
7. Bail produced before the lower court.

Date : 28/07/2026

[S. A. S. M. Ali]
Additional Sessions Judge,
Wardha.