

In the Court of Additional Sessions Judge, Wardha.

Criminal Bail Application No.273/2026

(CNR: MHWR010011382026)

Anand Motilal Ray+1

.. Applicants

..V/s..

State of Maharashtra,
Through P.S.O., Seloo.

.. Non-applicant

Order below Exh. 1

(Passed on 12th August, 2026)

1] The applicants have filed the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail in connection with Crime No. 0515/2026, registered for the offences punishable under section 123 of Bharatiya Nyaya Sanhita and sections 65(b), (c),(f), 83 of the Maharashtra Prohibition Act 1949, registered at Police Station Seloo.

2] It is the case of the prosecution that, on the basis of secret information that the applicants were preparing illicit liquor on the bank of nala, in Borkhedi Shivar near the field of Govinda Chapade, the police raided the spot along with panch witnesses. When the police raided the spot, two persons were found distilling liquor, the police caught them, they disclosed their names Raju Charde and Vikas Sadmake. During the raid, the police seized the following articles: 1) Six iron drums each containing 100 liters of boiling Moha Sadwa, 2) Nineteen iron drums, containing 200 liters with raw Moha Sadwa, 3) Twenty five empty drums, (4) Eleven german ghamelas, (5) Twelve plastic cans and other Kiln materials were found at the spot are seized under the seizure panchanama. Samples were prepared from the seized

muddemal and the offence punishable under Section 123 of Bharatiya Nyaya Sanhita and sections 65(b),(c),(f), 83 of the Maharashtra Prohibition Act, 1949 came to be registered against the applicant. The applicants are before the Court for seeking anticipatory bail.

3] According to the applicants, the offences has registered against them merely on the basis of suspicion. In fact, the illicit liquor and other articles were found at a public place in an unclaimed condition, and the seized property has no concerned with them.

4] The application is opposed by the Investigating Officer by filing say at Exh.7, on the ground that the applicants were preparing illicit liquor at the spot but they fled away on sensing the police. It is necessary to interrogate them to ascertain from where they brought the material used for preparation of the illicit liquor and who had helped them in doing so. The Investigating Officer has also alleged that the applicants are criminal offenders.

5] I have perused the reply and heard the learned counsel for the respective parties. I have also perused the case diary. It appears from the record that the applicants were not found in possession of any illicit liquor, nor is there any evidence to link the present applicants with the crime. The only allegation against the applicants is that they fled away from the spot. It also appears that they were not found in conscious possession of the seized material. They are involved, only on the say of co-accused which is not permissible. Moreover, the entire muddemal has already been seized and nothing remains to be recovered from the applicants.

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 applicants have 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. Under these circumstances, merely on the ground that applicants are criminal offenders, the application for anticipatory bail cannot be rejected, particularly when nothing remains to be recovered from them. Hence, the following order:

ORDER

1. The application (Exh. 1) is allowed.
2. In the event of arrest of the applicants (1) Anand Motilal Ray, and (2) Manoj Purushottam Pimpale, in connection with Crime No. 0515/2026, registered for the offences punishable under section 123 of Bharatiya Nyaya Sanhita and sections 65(b), (c),(f), 83 of the Maharashtra Prohibition Act 1949, registered at Police Station Seloo. he shall be released on bail upon furnishing a personal bond of Rs. 25,000/- (Rupees Twenty- Five Thousand only) with one solvent surety of the like amount.
3. The applicants are further directed to cooperate with the Investigating Officer, not to tamper with the evidence, and not to influence the witnesses in any manner.
4. In case any condition imposed is breached by the applicants, the prosecution shall be at liberty to apply for cancellation of bail.

5. The case diary be returned to the Investigating Officer.
6. Inform the Investigating Officer, Police Station Seloo accordingly.

Date : 12/08/2026

(S.A.S.M. Ali)
Additional Session Judge,
Wardha.

CERTIFICATE

I affirm that the contents of this P.D.F. file are the same word to word, as per the assigned order.

(Anil N. Nakhate)
Stenographer Gr-1