

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

Criminal Bail Application No.291/2026
MHWR010011822026

Pankaj Keshrilal Jaiswal

.... **Applicant.**

Versus

The State of Maharashtra
Through Police Station, Arvi,
Tq. Arvi, Dist. Wardha.

... **Non-applicant.**

ORDER BELOW EXH.1
(Delivered on 31/07/2026)

The present application is filed by the applicant under Section 483 of Bhartiya Nagrik Surksha Sanhita, 2023 in Crime No.0432/2026 for the offence punishable under Sections 123 of BNS read with Section 65(E) of Maharashtra Prohibition Act, registered at Police Station Arvi, Tq. Arvi, Dist. Wardha.

2] It is the case of the prosecution that on the basis of strictly confidential information that accused resident of Datta Ward, Arvi selling Gavthi Moha in the courtyard behind his house. Police along-with the staff raided the spot wherein they found, the accused holding plastic bag in his hand. It was searched before the panchas. The police on the spot, seized 750 grm Urea in one plastic container and 7 plastic bottles of litter

each containing chemical as well as 13 plastic bottle and 1 litter each containing country liquor accused holding. The entire material was seized. The police arrested the accused in the presence of panchas. Accordingly, the panchanama was prepared and offence was registered against the accused/applicant is arrested and now he is before the Court for bail.

3] According to the applicant, he is not at all concerned with the offence and the case filed against him only on the ground of suspicion. According to applicant, material used for preparing liquor was not seized from him. It is also alleged that he has not tried to administer the liquor to anyone. Hence, ingredients of Section 123 of B.N.S. are not satisfied. Therefore, according to the applicant nothing remains to be investigated and therefore, he be released on bail. It is also urged that he is permanent resident of Datta Ward, Arvi and will attend the Court regularly if released on bail.

4] The application is opposed by the investigating officer by filing reply at Exh.7. The only objection to the bail was taken by the state is that the applicant is habitual offender of the offence under Prohibition Act and it is necessary to investigate as to how many more persons are involved in the offence. If accused is released on bail, he may influence the witnesses.

5] Perused the application. Heard respective counsels. It appears from the record that FIR was registered offence punishable under Sections 123 of BNS read with Section 65(E) 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 possessing liquor. He is arrested. The entire material is seized. He is in custody since, 13.07.2026.

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. The present applicant is in custody since 13.07.2026. The grounds raised by the prosecution for rejection of bail are not sufficient. Therefore, the applicant is entitled for bail. Hence, the order :

ORDER

1. The application is allowed.
2. The applicant/accused **Pankaj Keshrilal Jaiswal** 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, Arvi accordingly.
7. Bail produced before the lower court.

Date : 31.07.2026

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

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original order.

(Prashant L. Chaudhari)
Stenographer Gr.III