

IN THE COURT OF SESSIONS, YAVATMAL

MHYA010004802026



C.B.A. No.47/2026

Prashant Vs. State

Order Below Exh.01

(Passed on 23th March, 2026)

This bail application is moved by the accused Prashant Tanbaji Chandankhede under section 482 of BNSS in relation to FIR No.56/2026 registered at Police Station, Ralegaon(Excise PSO) for the offence punishable under sections 65(A, B, D, E) 80, 81, 83, 90 and 108 of Maharashtra Prohibition Act.

2] The prefatory contention of the applicant is that he is resident of Atipati, Alipur, Hinganghat, Wardha. He is peace loving citizen. He has not committed any offence. It is told by informant that on 10/02/2026 when he was on patrol he received reliable information that one container was illegally loading liquor boxes into another vehicle and hence, alongwith panch he set a trap on Alipur-Ralegaon road. When the vehicle were inspected they were found to contain 613 boxes of country and fake foreign liquor which were concealed behind egg carton. The second vehicle on inspection is also alleged to contain 30 boxes. Police is alleged to have seized property worth Rs.1,05,35,605/-. But he has no concern with the incident. He was not even at the spot. False report has been lodged. He is falsely implicated. Custodial interrogation is not required. He is willing to abide condition. Hence, application for relief laid *ante*.

3] Say of APP, I.O. was called. APP vide his say (Exh.08) has strongly opposed the bail application. It is contended that

prima-facie case is made out. Factual matrix whereby crime came to light are enunciated. It is laid that huge amount of property has been seized. Liquor which were manufactured in another State for the purpose of selling only in those States were recovered. Nature of crime is serious. The accused has criminal antecedents. These were suppressed by him in his application. Investigation is pending. As offenders involved had fled from spot their identity and interrogation is not found, conducted. Source of stock has to be inquired from accused. On release there is apprehension of pressurizing and tampering. Huge revenue loss would have been caused. Also there was danger to human life by consumption of sub-standard fake liquor. Re-occurrence possibility is present. In past 104 people had died at Malad(Mumbai) by consumption of bogus liquor. On above grounds rejection of application is prayed for.

4] The I.O. vide Exh.9 has resisted bail. It is contended that if accused is enlarged it would be difficult to apprehend others involved. On his release accused would pressurize and tamper with witness. It is further informed that when the seized liquor was inquired about from the company of which it was shown to belong from label it was found that they were not genuine but fake. Fake liquor is dangerous to human life. In past there have been instances at Mumbai and Ahemadnagar of human life being lost due to it.

5] The defense counsel argued that applicant/accused was neither present at the spot nor was any seizure done from him which goes to show that he has been falsely implicated. He continued that in one of the vehicle inspected by police his diary was found and hence, he has been involved in this fabricated case.

He clarified that antecedents remained to be mentioned in application only because of mistake but those have now been submitted with list Exh.13 which goes to show that applicant/accused has been acquitted in all 15 matters against him. He posited that sections levelled do not provide for punishment of more than 5 years and hence, applicant/accused who was willing to abide condition deserved bail.

6] Refuting the defence argument APP proffered that on the basis of tip when both vehicles were inspected they were found to contain huge stock of fake liquor. When the action was in progress third vehicle arrived there and attempted to flee but was caught and found to contain fake liquor also. The liquor was manufactured in another State and was permitted to be sold only there. Nearly one crore of stock is seized. Applicant/accused is habitual offender. In affidavit submitted as candidate for contesting election he had mentioned 24 cases in criminal record. In present case he has with list given details of only 15 cases that too after prosecution revealed the same in say. He pointed out that out of 15 cases 13 relate to prohibition which fortifies their case. He exhorted that all the offenders had managed to flee from spot whereby interrogation of applicant/accused is required to ascertain source. He asserted that investigation is pending. He asseverated that applicant accused was a influential person whereby apprehension were genuine. He added that bogus liquor would have caused loss of life.

7] Heard both sides. Gone through F.I.R. and case diary submitted on record. The legislative intent behind introduction of

section 438 of Cr.P.C. which is pari-materia section 482 of BNSS is to safeguard an individual's personal liberty and to protect him from the possibility of being subjected to unnecessary Police custody. But at the same time the Court must also keep in view that the criminal offence is not just an offence against an individual. Rather, when considering a matter it is the larger societal interest at stake which should be taken into account.

8] As such, when considering grant of anticipatory bail various factors have to be considered. There is no inexorable, straight jacket formula which can be applied in every matter. Specific and particular facts and circumstances of each case need to be cogitated upon. In this light, the present application seeking pre-arrest bail deserves deliberation.

9] The fulcrum on which the defence counsel has sought bail for accused *Prashant Chandankhede* is deficiency of evidence as to occurrence of offence, his involvement and role therein. A.P.P. counteracted that case diary showed otherwise. If the case diary is scrutinized it is evident that it is mentioned that from within the vehicles which were intercepted and found to contain illegal, fake country and foreign liquor diary in the name of accused was found which contained various entries as to information of stock. Investigative agency found such connecting information and entry which highlighted his participation in the transpiration of offence. It is disclosed that in the diary there was also noting of Court dates of various cases involving similar charges in the name of applicant/accused. Thus it is perspicuous that active participation has been attributed to applicant-accused. Infact he is alleged to be

the master mind who is running the operation for which the stock was being illegally transported. In other words it cannot be said that the role attributed to him is of lesser gravity when compared to those of offenders who are claimed to have fled from the spot as will entitle him to any relief. Also in regard to occurrence of incidence there is present invigorating material in the form of seizure of huge quantity of liquor stock worth nearly Rs.1,60,000/-.

10] The defence has combated that the fact that applicant/accused was not found at the spot irradiated that there was absence of *mens-rea* being ascribed. It is relevant to note that the above contest involves question of fact and law which cannot be cogitated upon unless both sides have got opportunity to participate through evidence and cross-examination. Veracity of evidence, its sufficiency to highlight intention as agitated by defence are questions of trial. The role and *mens-rea* ascribed to applicant/accused cannot be deliberated upon in depth at this tier. It has to be taken into account only to the limited extent of whether the prayer for bail can be considered.

11] The prosecution in say (Exh.8 and 9) exhorted that investigation is pending and hence interrogation is needed of the applicant/accused so that the source of the stock can be ascertained. The defence counteracted that it is uncalled for. A delicate balance is required to be established between right of safeguarding the personal liberty and societal interest. Investigation intends to secure several purpose. Since the main allegation of running the operation involving fake liquor is attributed to the applicant/accused interrogation will enable the investigating agency

to discover material fact and relevant information through him. Also it is contended that the mobile of applicant-accused has to be recovered from him so as to gather who others are involved and where the stock was procured from and intended to be delivered, sold. For the same physical presence of the applicant/accused will be essential. This will ensure uninterrupted investigation. The defence assertion is thus rendered *otiose*. There have been brought before this Court compelling, exceptional circumstances as warrant custody to be mandated.

12] Further, in addition to above matrix perusal of case-diary shows that the investigation is pending and the charge-sheet is not yet filed. Some of the accused are still absconding. This is not denied by defence. Thus, prosecution is able to show need for physical detention of the applicant/accused considering allegation against him. Possibility of tampering with evidence if set at liberty as apprehended by prosecution is seen to be valid.

13] The prosecution apprehends possibility of pressurizing of witnesses on him being enlarged. This is counteracted by defence side. However, if the factual matrix of the case is considered it is seen that said possibility is not misplaced considering the manner in which the stock was being transported. The applicant/accused is alleged to possess critical information regarding the running of operation of fake liquor. Thus, defence assertion is rendered *nugatory*. The prosecution contention *per contra* is seen to have force.

14] The prosecution has also expressed that there is possibility that the applicant/accused might abscond and not

cooperate in investigation. No doubt that mere apprehension cannot stampede the Court into complacent refusal. This is because the object of bail is to secure the presence of the accused person at trial. It is not expected to be punitive or preventive. However, if the facts and circumstances of the case are considered it is illume that they do not favour the defence. The applicant is contended to have criminal antecedents present. It is stated that he has many cases under prohibition lodged against him which makes the case of prosecution strong. The defence through judgment filed alongwith list Exh.13 attempted to show that he has been acquitted in 15 of those cases. Nevertheless, the fact highlights factors which at this stage favour the prosecution case. It is shown by prosecution that his release would prejudice the case. There are elicited exceptional factors which manifest likelihood of him interfering, polluting, thwarting the process of investigation. Apprehension of repetition, abscondence can be reckoned to be valid. The application does not deserve to be countenanced.

15] Before saying omega it is clarified that any observation made herein-above are not to be construed to be reflection on the merits of the case and shall remain confined to disposal of this application alone. Ergo, I ordain as follows.

ORDER

1. Application is rejected.
2. Inform police station accordingly.

(S.R.Sharma)

Date : 23/03/2026

Additional Sessions Judge, Yavatmal.

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