

Criminal Bail Application No.162/2026**Akshay Sonkusare Vs. State****(CNR : MHWR110005052026)****Order below Exh.1**(Passed on 07th August, 2026)

This is an application under section 482 of Bharatiya Nagrik Suraksha Sanhinta for anticipatory bail in connection with Crime no.1104/2026 for the offence punishable under sections 65(e), 77(a), 83 of Maharashtra Prohibition Act registered with Police Station Hinganghat.

2. Perused the application, say of I.O. and Ld. APP at Exh.6 and case papers.

3. Heard the argument of Ld. advocate Shri. S.S. Kapase for applicant and Ld. APP Shri. D.M. Vaidya for the State.

4. The prosecution case, in brief, is that on 08.07.2026 Hinganghat police received an information that the applicant is selling the liquor illegally through employee from his tin shed near Government Hospital, Hinganghat. Accordingly, the information along with police official and panchas conducted the raid. At that time, accused Rohit Gaikwad was selling the liquor to the people on the back side of shop of applicant. By noticing the police are coming one person fled away from the spot of incident. The liquor was seized from the possession of accused Rohit Gaikwad. He disclosed that he is employee by the applicant. Thus this offence.

5. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the crime. It is contended that no liquor was seized from the possession of the applicant and that he was

not present at the spot when the raid was conducted. It is further submitted that nothing remains to be recovered from the applicant and that he is ready and willing to cooperate with the investigation. He is not previously convicted. He is merely implicated on the basis of alleged confessional statement of the co-accused. He is ready to abide any condition imposed by the court. He has relied on the case of ***B.P @ Amarthsingh Gurjal Vs. State of M.P 2022(2) Crimes 496 (M.P)*** and sought anticipatory bail.

6. Per contra, learned APP opposed the application and submitted that, a huge quantity of country liquor was seized from the spot which was adjacent to shop of the applicant. Custodial interrogation of the applicant is necessary for tracing the source of the liquor and identifying other persons involved in its transportation and distribution. It is also pointed out that some prohibition cases are pending against the applicant. Hence, application is liable to be rejected.

7. Upon consideration of the rival submissions and the material placed on record, it appears that a substantial quantity of country liquor was seized from the spot. However, the spot of incident is situated on the back side of the alleged shop of applicant. There is nothing on record to show that applicant was present on the spot of incident. He is implicated merely on the basis of the confessional statement of the co-accused that he is employed by the applicant.

8. In the case of ***B.P @ Amarthsingh Gurjal*** cited supra the Hon'ble Bombay High Court observed that *in number of cases, it is being observed that the police is filing charge-sheet against the co-accused persons merely on the basis of confessional statement made by the co-accused. They do not*

try to collect any substantive evidence against the accused persons. It appears that either the Investigating Officer is deliberately leaving lacuna in the investigation or he does not know the law of evidence.

9. In the case in hand, except the bare confessional statement of co-accused there is no material to substantiate the contention of the prosecution. The liquor is already seized from the co-accused. Nothing remains to be recovered from the applicant. Hence, in my view, custodial interrogation of the applicant may not be necessary. It is not the case of the prosecution that the applicant is a previous convict. There is nothing to support the contention of the prosecution that the applicant will misuse the liberty. Under such circumstances, merely because some cases are pending against the applicant cannot be the sole ground for rejection of anticipatory bail. The applicant has expressed willingness to cooperate with the investigating agency and to attend the police station as required. The interest of the prosecution can be safeguarded by imposing appropriate conditions. Hence, the applicant has made out a case for anticipatory bail. Therefore, I am inclined to grant anticipatory bail to the applicant. In the result, I proceed to pass the following order:

ORDER

1. Application is allowed.
2. In the event of arrest of applicant **Akshay Kisnaji Sonkusare** in **Crime No.1104/2026, Police Station, Hinganghat**, for the offence punishable under sections 65(e), 77(a) and 83 of the Maharashtra Prohibition Act, be released on his executing PR bond of Rs.50,000/- with surety in the like amount on following conditions:

- (i) Applicant shall attend the concerned police station in between 11.00 a.m. to 2.00 p.m. on 09.08.2026 and 10.08.2026.
 - (ii) Applicant shall cooperate with investigating agency for the purpose of investigation as and when called upon in writing.
 - (iii) He shall not indulge in any criminal activity.
 - (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
 - (v) He shall not leave India without prior permission of the Court.
3. Bail order be communicated to the police station, Hinganghat.

Date 07.08.2026

(Dhanraj Y. Kale)
Addl. Sessions Judge,
(Court No.1), Hinganghat.

Certificate

The contents of this P.D.F. file order are same, word to word, as per the original order.

Name of Stenographer : Vidyadhar Bokde (Steno-I)

Court : Additional Sessions Judge
& DJ-1, Hinganghat.