MHGA010006262026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE AT GADCHIROLI

(Presided over by Shri P. V. Chatur)

Cri Bail Application No.155/2026

Santosh Ramdas Satar
Age: 49 yrs,Occupation : Agri.
R/o Ganpur,Tah- Chamorshi,
Dist- Gadchiroli .... **Applicant**

...Versus...

1] State of Maharashtra
Through Police Station Officer,
P. S. Chamorshi, Tah-Chamorshi
Dist- Gadchiroli .... **Non-applicant**

.....

Order Below Exh.01
(Passed on : 05th August, 2026)

1] The accused **Santosh Ramdas Satar**, sought regular bail.

Allegations in the FIR (in short):

2] The Police Station Chamorshi has registered offence u/s 65(e) of Maharashtra Prohibition Act vide Crime No. 352/2022. The charge-sheet has been filed in the court of JMFC, Chamorshi as SCC No. 523/2023.

3] The applicant/accused due to poverty gone out of State for earning as previous counsel also not informed correct appearance date to him.

Therefore, he could not appear before the court in some previous dates. Hence, JMFC Chamorshi has issued arrest warrant. It was executed on 6.7.2026 on which he applied for bail but the Ld JMFC, Chamorshi rejected the application. Again on 14.7.2026 he applied for bail but it also rejected on 18.7.2026. Therefore, since 6.7.2026 he is in judicial custody.

4] The applicant/accused falsely implicated in the said offence. He is innocent. He is poor farmer. He is maintaining his family including his old aged parents. The wife of the applicant/accused is suffering serious health problem of heart, stomach problem, gastrointestinal disease. Therefore, she is under medical treatment.

5] The applicant/accused is having marginal agricultural land of cotton crop and paddy crop. Now-a-days the season of cultivation. The applicant/accused is behind bar and therefore, not able to cultivate his land. Therefore, his family is suffering irreparable loss. He is in debt.

6] He is ready to furnish surety and to abide all the terms and conditions as per the order of the court. He undertakes that he will appear on each and every date in the court of JMFC, Chamorshi. Hence , he prayed for bail.

7] The concerned Police Station failed to submit reply but the Ld. APP opposed the application submitting that the accused does not appear if he released on bail. But since thereafter, he did not turn till execution of warrant. Therefore, he is not reliable to be released on bail. Hence, he prayed to reject the application.

8] I have heard the Learned Advocate for the accused/applicant.

9] From the contentions of the parties and material, following points arise for my determination, to which I recorded my findings for the reasons, mentioned thereunder:

Sr.No.	Points	Findings
1	Whether the applicant/accused is entitled for bail?	Yes.
2	What order?	As per final order.

REASONING

10] In the order of bail application of the Ld JMFC Chamorshi has observed that the applicant/accused is misusing his liberty neither appeared before the court regularly now making any application for exemption nor payment of fine. The matter is old and there was no progress because of the absence of the applicant/accused. Therefore, showing possibility of his absconding, the Ld JMFC rejected first application. The second bail application was also rejected with the same observation. He further observed that the applicant/accused has blamed the earlier counsel that he did not inform about the dates. He was also observed that wife of the applicant/accused is not suffering any serious medical condition. Merely she is suffering from chest or stomach problems.

11] It appears on one hand Ld. JMFC Chamorshi has observed that there was no exemption application on behalf of the applicant/accused and on the other hand rejected the contentions of the applicant/accused that he was not informed proper dates by his previous advocate. Non filing of exemption application by advocate itself appears that he was not acting in diligently. Otherwise, he could have attended the dates and informed the applicant/accused. No doubt, the applicant/accused also has not contacted with his advocate, but as per his submissions he had gone for labour work. The medical prescription and OPD papers in the name of the wife of the applicant/accused showing her complaints of back ache, chest ache etc. This subsequent ground is also rejected by the Ld JMFC,Chamorshi

observing that they are not serious problems. However, the medical condition may improve or deteriorate which can not be predicted.

12] The allegations of commission of offence u/s 65(e) of the Maharashtra Prohibition Act and charge-sheet is submitted after investigation. He is behind bar since 6.7.2026. As submitted by the Ld advocate of the applicant/accused, keeping him behind bar is causing pretrial punishment to him. Moreover, now- a- days cultivation of cotton and paddy is to be under taken. He is a poor and having marginal agricultural land. He relied upon the j**udgment of the Hon'ble Supreme Court of India in ' Dataram Sing -vs- State of Uttar Pradesh**', **2018 INSC 107** wherein it is held that *A fundamental postulate of criminal jurisprudence is that the presumption of innocence, meaning thereby that person is believed to be innocent until found guilty. Further held that our criminal jurisprudence is that the grant of bail is the general rule and putting person in jail or prison or in correction home is an exception*."

13] Therefore, in view of the above cited judgment, the applicant/accused is entitled for bail. The prosecution has denied the said reason by filing reply and submitted that if he is released on bail, in future he will not attend the court dates. This possibility can be curtailed by imposing stringent condition. In future, the applicant/accused undertake to appear before the trial without fail. However, the stringent condition is necessary that in failure of absence on two consecutive dates, his bail shall be liable to be forfeited. Therefore with other conditions, I am of the opinion that to give an opportunity to the applicant/accused to assist in the administration of justice and in the interest of justice. I am of the opinion that he can be released on bail. Hence, the following order is passed:

O R D E R

1. The Cri. Bail Application No. 155/2026 - Exh. 01 is allowed.

2. The accused/applicant stands enlarged on bail of Rs. 25,000/- with one surety in like amount in Crime No. 352/2023 registered u/s 65(e) of Maharashtra Prohibition Act of P.S.O, P. S. Chamorshi, Tah- Chamorshi, District-Gadchiroli.

3. The accused/applicant shall attend every date of the trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his bail shall be forfeited.

4. Copy of this bail order be sent to concerned Jail Superintendent and District Legal Services Authority (D.L.S.A.), Gadchiroli on their authorized E-mail I.D. forthwith.

5. The bail application is hereby disposed of.

(Dictated and declared in open Court.)

Digitally signed by PRAVIN VIMALNATH CHATUR
Date: 2026.08.05 18:44:19 +0530

(**Pravin V. Chatur**)
District Judge-2 &
Additional Sessions Judge,
Gadchiroli

Date : 05.08.2026

Dictated & typed, checked and signed on 05.08.2026.