

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 431 OF 2026

KUNDAN S/O DIWAKAR MESHAM
VS
THE STATE OF MAHARASHTRA THR PSO PS AHERI DIST CHANDRAPUR

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms. F.N. Haidari , Advocate for the Applicant (s).
Mr. S.S. Bissa, APP for the Respondent-State.

CORAM : RAJ D. WAKODE, J.
DATE : 26th MAY, 2026.

1. At the outset, Ms. Haidari, the learned counsel for the applicant, seeks leave of this Court to correct the cause title of the present application pertaining to the District of Police Station Aheri.
2. Permission granted. Necessary amendment to be carried out forthwith.
3. Heard the learned counsel for the applicant (s).
4. Apprehending arrest in connection with Crime No. 102 of 2026 registered with Aheri Police Station, District Gadchiroli on 31.03.2026, for the offence punishable under Section 65(a) of the Maharashtra Prohibition Act, 1949, the applicant has approached this Court seeking grant of anticipatory bail.

5. The learned counsel for the applicant submits that the reasons that weighed with the learned Sessions Court for rejecting the anticipatory bail of the present applicant are that there are similar offences, more than six in number, against the present applicant under the same provisions of the Maharashtra Prohibition Act, 1949, pending against the present applicant.

6. Ms. Haidari, the learned counsel for the applicant, submits that though cases are pending against him, the applicant has not been convicted in any of such offences. Ms. Haidari has placed reliance on the judgment of the Hon'ble Apex Court reported in 2025 LiveLaw (SC) 929 (Abhimanue v. State of Kerala), as well as the judgment passed in Special Leave Petition (Criminal) No. 10587 of 2025 of the Hon'ble Apex Court, Ayub Khan v. State of Rajasthan, to contend that criminal antecedents even though can be a factor while deciding the application for anticipatory bail but cannot be the sole factor. She further submits that the offence is punishable only up to three years and therefore prays for an ad-interim bail. Having perused the application for anticipatory bail and having considered the contentions of the learned counsel for the applicant, as also the judgments relied on by her, at this stage, I am of the considered opinion that the applicant should be protected by granting an ad-interim anticipatory bail, as no fruitful purpose would be served by putting the applicant in custody at present.

7. In view of the same, the following order is passed :-

ORDER

(i) Issue notice to the non-applicant, returnable on **12.06.2026**.

(ii) The learned APP waives service of notice on behalf of the non-applicant-State.

(iii) In the event of arrest in connection with Crime No.102 of 2026 registered with Aheri Police Station, District Gadchiroli on 31.03.2026, for the offence punishable under Section 65(a) of the Maharashtra Prohibition Act, 1949, the applicant shall be released on ad-interim anticipatory bail upon furnishing a PR Bond of Rs.50,000/- with one solvent surety in the like amount.

(iv) The applicant shall attend the concerned Police Station on every Friday at 11:00 a.m.

(v) The applicant shall not tamper with the prosecution evidence or threaten the witnesses. He shall cooperate with the investigating agency.

(vi) The applicant shall not leave India without prior permission of this Court.

(vii) The applicant shall not enter the limits of Aheri Police Station, Dist. Gadchiroli, except for the purpose of attending the police station as directed by this Court.

(viii) It is made clear that if there is any complaint against the applicant regarding commission of such similar offences, the ad-interim order granted by this Court shall stand vacated immediately.

(RAJ. D. WAKODE, J.)