



Order below Exh.1 in Criminal Bail
Application No. 1272/2022.

1. This is an application preferred by applicant Deeraj Sudhakar Kardak for bail under section 439 of Cr.P.C. in C.R. No. I-274/2022 registered in State Excise, Flying Squad No.1, Nashik (Excise Thane) for the offence punishable under sections 328 of the Indian Penal Code and Section 65(e), 90, 108 of the Maharashtra Prohibition Act.

2. It is submitted by the accused that he is innocent and falsely implicated in the crime. If at all he has committed the offence the local resident would have lodge the complaint. Prince Santra liquor bottles are in sealed conditions. Hence, the question of accused preparing the same does not arise. Remand report reflects that duplicate country liquor has been seized from the accused. Nothing remains to be investigated. He is ready to abide by the terms and conditions. Hence, prayed that application is granted.

3. Say was called of the investigating officer. He has objected this application on the count that accused was found in possession of illicit country liquor without licence and was selling the same. At that time he was released on bail however again on 8.10.2022 in order to earn more keeping duplicate country liquor for sell. Thus, he is habitual offender. If accused released on bail there is possibility that there will be danger to life or occurrence of untoward incident. Hence, prayed that application be rejected.

4. Heard Ld. APP and Ld. Advocate for accused. On perusing the FIR it is seen that during the raid they found duplicate county made which they had seized. It is contended by them that accused had stored the same for sale hence the offence was registered against them u/s 65 b, 90, 108 and of Bombay Prohibition Act and section 328 of IPC. It is pertinent to state that the report of the forensic department is awaiting in order to hold that seized muddemal contained poison or stupefying intoxicating or unwholesome drug. The FIR does not reflect that accused person has administered the seized muddemal to any person. In fact it reflects that accused person had stored the muddemal.

5. With respect to the other contentions of the Prohibition Act it seen that offence u/s. 65 b, 90, 108 of Bombay Prohibition Act are punishable with maximum three years imprisonment. Nothing has to be reovered from the accused person. Trial will take time. Accused is resident of Nashik his presence can be secured. Bail is rule. Apprehension of the I.O can be taken care by imposing stringent conditions. Hence, I pass following order :-

ORDER

1. The application is allowed.
2. The applicant/accused Dhiraj Sudhakar Kardak involved in C.R.No. I-274/2022 registered in State Excise, Nashik for the offence punishable under section 65 (b), 90, 108 of Bombay Prohibition Act, be released on bail on his executing P.R. and S.B.of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties of like amount.
3. Accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such fact to the Court or Police Officer.
4. The accused shall mark his presence in State Excise on every

Monday and Friday from 11.00 a.m. to 1.00 p.m. till filing of the charge-sheet and to co-operate investigating Officer.

5. The accused shall not commit similar type of offence.
6. The accused shall furnish his address proof, photo identity and mobile number of self and his two close relatives. In case of change of address he shall inform the I.O. about the same.
7. In case of breach of the conditions, the respondent is at liberty to apply for cancellation of bail.
8. Bail before trial Court.

Nashik.
Date : 19/10/2022.

Sd/-xxx
(V.S.Malkalpatte-Reddy)
Additional Sessions Judge,
Nashik.