

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,**  
**AT – NASHIK.**  
**(Presided over by Mr. M. H. Shaikh)**

**Criminal Bail Application No.59 of 2022**

**CNR NO.MHNS010001712022**



Nilesh Rajendra Kambale  
Age : 40, Occu. : Labour ... Applicant.

**V/S**

State of Maharashtra  
Through : State Excise Dept.  
Deolali Camp Police Station  
(C.R. No.I-8/2022) ... Respondent/State.

**Appearance** : Ld. Advocate Shri. A. C. Pradhan for Applicant.  
Ld. A.P.P. Smt. Aparna Patil for Respondent.

**ORDER BELOW EXH. NO.1**  
**(Delivered on 20<sup>th</sup> January, 2022)**

1. This is an application for regular bail under Section 439 of Cr.P.C.
2. Read the application and the say filed by the respondent at Exh.3. Heard Ld. Advocate for the applicant, Learned A.P.P. for the State and the Investigating Officer in person. So also gone through the police papers produced for inspection by the Investigating Officer.
3. The Crime stood registered against the applicant and other two

accused persons with the respondent police station for allegation that, the accused No.1 and 2 herein had made and prepared country liquor and they had sold said country liquor to the applicant. On a secret information, raid was conducted and it was successful and accused No.1 came to be accosted on the spot and accused No.3 i.e. present applicant, from whose possession the country liquor boxes came to be seized. Thereafter, report came to be made to the respondent police station about the said incident.

4. It is the case of the applicant that, he came to be arrested and was remanded to the police custody. Thereafter, he came to be remanded to the Magistrate Custody. The recovery was made by the Investigating Officer, nothing remained to be recovered at the instance of the applicant or no any discovery is to be made at the instance of the applicant, ready to abide by the terms and conditions. Therefore, prayed to allow the application.

5. On the other hand, it is the case of the respondent that, the offence alleged is of serious in nature as it affects the revenue of the Government as well as health of the public at large. The applicant used to purchase country liquor made by accused No.1 & 2 and in the investigation, they found that some amount came to be paid by the applicant to accused no.1 for the purchase of country made liquor. The investigation is in progress and the absconding accused is yet to be arrested and therefore, prayed to turn down the application.

6. Upon hearing and going through the material placed on record for inspection what can be gathered is that, the accused no.1 and 3 came to be arrested and the recovery is made from them and it is evident from the police papers placed on record. As far as the merits of the case is concerned, the allegations and counter allegations shall be dealt with by the Ld. Trial

Court at the time of trial. As far as the investigation is in progress, is concerned certainly, it is in progress. As far as investigation as regards applicant is concerned, it is almost at the verge of completion. Recovery from his possession is made and now he is detained in the Magistrate Custody. As far as absconding accused is concerned, the nexus of the applicant with the accused No.2 is not there as per the prosecution because it is alleged that, applicant had purchased the country liquor from accused No.1. As far as the issue of revenue is concerned, certain conditions can be imposed upon the applicant. In the result, considering the objections raised by the respondent in their reply, this Court does not find those objections to be valid to reject the application of the applicant. In the result, this Court finds that, by imposing certain conditions, applicant can be enlarged on bail. Therefore, this Court finds that the application succeeds. Hence, the order.

**ORDER**

1. Criminal Bail Application No.59/2022 is allowed.
2. Applicant Nilesh Rajendra Kambale be released on bail on his executing a personal bond of Rs.15,000/- with one solvent surety in like amount to the satisfaction of the concerned J.M.F.C. Court in connection with CR No.I-8/2022, registered through the State Excise Dept. with Deolali Camp Police Station.
3. Applicant not to commit similar offences in future.
4. Applicant to co-operate the Investigating Officer as and when called under prior written intimation, till filing of Charge-sheet.
5. Bail before the Ld. J.M.F.C.
6. In the above terms, the Criminal Bail Application No.59/2022 stands disposed off accordingly.

Place : Nashik.  
Date : 20/01/2022

(M. H. Shaikh)  
Additional Sessions Judge, Nashik.