

Order below Exh.1 in Cri. Bail Application No.238/2022.

{ Prakash Waman Chavan Vs. State }

This is application under section 439 of the Criminal Procedure Code for grant of bail pending trial.

2. The present application is moved by the applicant-accused Prakash Waman Chavan praying to release him on bail in connection with the CR No.34/2022 registered with State Excise Office, Divisional Flying Squad, Nashik Division, Nashik under section 65(a)(b)(c)(d)(e)(f), 81, 83, 90 of Maharashtra Prohibition Act, 2005 and under section 328 of the Indian Penal Code.

3. It is alleged that accused apprehended in possession of illegal liquor more particularly mentioned in the report submitted by the Excise Office. The allegation against applicant-accused is that, he was found in possession of adulterated and duplicate liquor in the name of foreign brands. The applicant-accused was arrested on 15.2.2022 and he was remanded to Police custody till 18.2.2022 and since then he was in Magisterial custody. Application is filed on the ground that section 328 of IPC is not applicable to the fact of present case. Applicant-accused is permanent resident of Bordaivat, Tal. Kalwan, Dist. Nashik, his antecedents are clean and he is ready to abide all conditions laid down by this court and prayed to allow the bail application.

4. The State has opposed the bail application. I.O. is present and submitted his report.

5. Perused record. Heard both the parties.

6. It is matter of record that entire muddemal property is seized, C.A. sample are taken, investigation in progress and it will

take time to file charge-sheet in the matter. No purpose will be served by keeping him in jail. Therefore, I am inclined to allow the application. Hence, following order is passed.

ORDER

1. Application is allowed.
2. Applicant-accused Prakash Waman Chavan in connection with CR No.34/2022 registered with State Excise Office, Divisional Flying Squad, Nashik Division, Nashik under section 65(a)(b)(c)(d)(e)(f), 81, 83, 90 of Maharashtra Prohibition Act, 2005 and under section 328 of the Indian Penal Code, be released on bail on executing bond of Rs.30,000/- with solvent surety in like amount.
3. He shall not abscond or tamper with the witnesses.
4. He shall furnish his address proof aadhar card of his two near relatives alongwith mobile numbers.
5. He shall attend the State Excise Office, Divisional Flying Squad, Nashik Division, Nashik on every Monday and Thursday in between 11.00 a.m. to 2.00 p.m. till filing of the charge-sheet.
6. In the event of breach of any of the conditions, his bail bonds shall be liable to be cancelled.
7. Bail in lower Court.

Date: 23.02.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.