



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.740 OF 2025

**PRAMOD WAMANRAO DHULE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Senior Advocate Mr. R. N. Dhorde i/by Mr. V. R. Dhorde, advocate for
the applicant

Mr. R. S. Wani, APP for Respondents/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 25.09.2025

PER COURT :-

1. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.216 of 2024, registered at Bhagya Nagar Police Station, District Nanded, for the offences punishable under Sections 302, 304, 498(A), and 323 of the Indian Penal Code, 1860.

2. The informant averred in the report that her elder daughter, Kranti, was married to the applicant and had begotten two children. The applicant was serving in the CRPF and, due to his misconduct, as he was addicted to liquor, he was terminated from his job. The informant's daughter, Kranti, was suffering from a spleen ailment. The applicant frequently harassed her under the influence of liquor. On the night of



07.05.2024, the applicant beat the informant's daughter, Kranti, delivering fists and kicks to the left side of her chest near the spleen in the presence of their children. She suffered a lot, was admitted to the hospital, and succumbed to her injuries on 10.05.2024. She was beaten solely because she could not provide a meal to him as per his immediate demand. Their two children were eyewitnesses to the incident of beating.

3. Heard learned advocate for the applicant and the learned APP for the State.

4. When this Court expressed disinclination to allow the application, upon instructions, the learned advocate for the applicant sought leave to withdraw the application.

5. The allegation against the applicant in the report is that he is addicted to liquor, which is the reason for the quarrel and the subsequent murder of his wife, Kranti. If a person is addicted to liquor or drugs, it creates an irresistible impulse to commit overt acts. **An irresistible impulse** means *“an impulse produced by a mental disease affecting volition, as distinguished from perceptive powers, so that the person afflicted, while able to understand the nature and consequences of their actions, is unable, due to such mental disease, to resist the impulse to act.”*



6. In the case of **State v. Plummer, 117 N.H. 320, 374 A.2d 431 (1977)**, it was observed that “if it produced a state of insanity, including an **irresistible impulse** rendering the defendant unable to control their actions, a broad insanity test incorporating volitional incapacity distinguishes short-term voluntary intoxication (no defense) from long-term addiction effects mimicking a mental defect.”

7. If a person is addicted to hooch, i.e., illicit liquor, or prohibited drugs, it is considered a mental illness as defined under Section 2(1)(s) of the Mental Healthcare Act, 2017, which states that it **includes mental conditions associated with the abuse of alcohol and drugs**. Thus, prima facie, it appears that the applicant, Pramod, suffers from a mental illness due to his addiction to liquor, as defined under the said Act, where the abuse of alcohol or drugs is an essential ingredient requiring psychiatric treatment and psychological counseling for curing his illness. The World Health Organization (WHO) also opines that persons addicted to prohibited liquor or drugs are mentally ill. Due to such illness, an irresistible impulse is created in the minds of such individuals, causing them to become violent and commit crimes, generally assault, for money, resulting in serious injury or death to innocents.



8. Press reports often reveal that illicit hooch and drugs are easily available and illegally sold despite being prohibited under the Maharashtra Prohibition Act, 1949, the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders, Dangerous Persons and Video Pirates Act, 1981, and the Narcotic Drugs and Psychotropic Substances Act, 1985. Illicit hooch and drugs are sold illegally by bootleggers and peddlers to young individuals, which often leads to intoxication and an increased propensity to commit criminal and civil mischief. Such addicts often harass their family members, friends, and others, demanding money to satisfy their vices. They frequently assault and beat their spouses, children, parents, and other family members or friends. When arrested for crimes, they are found assaulting police and jail staff while being handled. They create constant fear in society. Children and women commonly suffer from their serious overt acts. They also cause vehicular accidents by rash and negligent driving under the influence of liquor and drugs. They are found committing offences like murder, rape, outraging the modesty of women, extortion, robbery, theft, etc., to satisfy their desires and often under the influence of alcohol or drugs, to obtain money needed to purchase these substances. Though they suffer from mental illness, they are often harshly condemned due to a lack of awareness about mental illness instead of being considered sympathetically, as other illnesses are treated. Such mentally ill persons are



often not treated by a psychiatrist for their addiction to liquor and drugs. Most of these persons are uneducated, poor, and belong to the lower economic strata of society. Because of their irrational or arrogant behavior due to the effect of mental illness, they do not respond to requests from family members and others for de-addiction treatment, claiming that they are not mentally ill and will not drink liquor or consume drugs henceforth. Often, family members find it challenging to seek treatment for their loved ones' mental illness. Due to their mental illness, these individuals may cause harassment, and as a result, they are sometimes assaulted or killed by family members in a fit of anger, leading to serious criminal charges. Thus, such mental illness results in multiple criminal litigations.

9. Press reports also reveal that hooch and prohibited drugs are illegally provided to our new generation by neighboring countries, constituting a **“drugs war”** against our country. The young generation is a victim of this, and they commit serious crimes under the influence of liquor and prohibited drugs. Therefore, as per the procedure outlined in the Mental Healthcare Act, 2017, police or investigating officers who arrest such persons and produce them for remand, police, magistrate custody, or trial, as well as jail authorities and trial courts, are expected to ensure a medical examination and treatment for such addicted persons. However, medical examinations of such arrested accused persons are often conducted



routinely, merely to comply with formalities. When allegations in a report lodged or a charge sheet filed against such an accused indicate that they are prima facie addicted to liquor or drugs, the police, court, or jail authorities must direct a medical examination through a psychiatrist for their addiction to liquor or drugs and, If found mentally ill as defined under Section 2(1)(s) of the Mental Healthcare Act, 2017, they shall be directed to a rehabilitation center for treatment based on the psychiatrist's report. The help of a counselor or psychologist to change their mindset must be simultaneously taken.

10. If such mentally ill persons are released on bail, they continue their illegal acts. Also, it is dangerous to release such persons on bail as they pose a constant threat due to their propensity to commit crimes against society, particularly against their family members, i.e., wives, mothers, children, etc., who are the weaker sections of society and are unable to confront them. There is a strong legal and factual grounds for not releasing them on bail, as they are likely to commit crimes in the future, due to their mental illness, as provided under Sections 480 rw 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and the law laid down by the Hon'ble Supreme Court and various High Courts in judicial pronouncements. Therefore, instead of releasing such persons on bail without proper treatment and rehabilitation, it would be beneficial to treat



them for their mental illness in the interest of the safety of society at large. If this course is followed by all concerned, police, jail authorities, and courts, it will reduce the number of crimes, and society will be relieved from the legal mischief of such persons, fulfilling the objective of the reformatory theory of punishment as per criminology and penology.

11. Considering all the above aspects, this Court directs the Nanded District Jail Authority to send the applicant for a medical examination and report to a psychiatrist at the concerned Civil Hospital. If he is found to be mentally ill due to addiction to liquor, directions shall be given that the applicant must be treated in a rehabilitation center until he fully recovers from mental illness in accordance with the procedure laid down in the Mental Healthcare Act, 2017. For this purpose, the jail authorities of Nanded shall take the applicant to the Civil Hospital at Nanded for a medical examination by a psychiatrist to determine whether he is addicted to liquor and suffering from mental illness and the mode of treatment. If the psychiatrist's opinion is affirmative, a report on the requirement of future treatment to be provided to the applicant shall be submitted to the court seized with his case. The District Superintendent of Police, Nanded, shall provide an escort for treatment until he is fully recovered.

12. The law is an instrument of social change. The Hon'ble Supreme



Court, in the case of *Sundarjas Kanyalal Bhathija & Ors. v. The Collector, Thane, Maharashtra & Ors., reported in A.I.R. 1991 SC 1893*, has guided that, “It is the duty of superior courts and tribunals to make the law predictable and effective as a guide to behavior. The law must be determined with reasons that carry conviction within courts, the legal profession, and the public to avoid confusion among lawyers and trial courts.”

13. In all such type of cases the remand and trial courts are expected to review the report (FIR) or charge sheet and, if it is prima facie found that such persons are addicted, direct their medical examination through a psychiatrist and call for medical reports to ensure compliance by the police and jail authorities for their treatment. **Outpatient treatment shall not serve the purpose. Further, private rehabilitative treatment is costly. Hence, a government rehabilitation center is the proper course of treatment.**

14. Considering all the above aspects, it is necessary to issue directions to all concerned authorities and all the courts of the District Judiciary in the State of Maharashtra to give effect to the provisions of the Mental Healthcare Act, 2017, in respect of such mentally ill accused for their continuous medical treatment until they fully recover. The police



officer investigating the crime, the court seized of the matter, and the jail authorities having judicial custody of such persons addicted to liquor or drugs are directed to conduct a medical examination of such accused persons by a psychiatrist. If, based on the report, it is found that they are prima facie addicted to liquor or drugs and suffering from mental illness, appropriate treatment must be provided in a government rehabilitation center, along with counseling by a psychologist or trained counselor in this regard.

15. The learned Registrar General of the High Court of Bombay is directed to send copies of this order with directions to ensure compliance to all courts of the District Judiciary, the Directorate General of Police, Maharashtra, the Additional Secretary of the Home Department, State of Maharashtra, and the Additional Secretary of the Public Health Department, State of Maharashtra, for compliance with the above directions through their offices. They are directed to issue instructions to their officials to examine such persons through a psychiatrist as per the Mental Healthcare Act, 2017, and provide medical treatment in a government rehabilitation center until such mentally ill persons are fully recovered from their mental illness. The concerned officials of all departments and authorities shall not wait for directions from their higher authorities and shall act upon this order and treat such accused persons who are addicted to liquor and drugs as per the



procedure laid down in Mental Healthcare Act, 2017.

16. The Secretary, Maharashtra State Legal Services Authority (MSLSA), is directed to arrange awareness programs on drug and liquor addiction rehabilitation pathways through all District Legal Services Authorities (DLSAs) and Taluka Legal Services Authorities (TLSAs) so that there will be a change in the mindset of society, particularly the general public and law enforcers, that instead of hating such addicted persons, they shall be treated with sympathy and empathy, like other illnesses.

17. The concerned to act upon the authenticated copy of this order.

18. The Registrar Judicial of this Court is directed to send the copy of this Judgment to Registrar general, all the Commissioners of Police/ Superintendent of Police all jail superintendent and all superintendent of Government and civil hospital in each district of the State of Maharashtra.

19. Leave to withdraw the application is granted. The application is disposed of with above directions.

[SANJAY A. DESHMUKH, J.]