

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

CRIMINAL APPLICATION NO. 5958 OF 2015

Mukesh s/o Prakash Ramchandani
and Anr.

..... APPLICANTS

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. N.V.Gaware, Advocate for Applicants.

Mrs. M.A.Deshpande, A.P.P. for Resp.-State.

.....

WITH

CRIMINAL APPLICATION NO. 6023 OF 2015

Mohanlal s/o Roshanlal Parmar
and Anr.

..... APPLICANTS

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. R.S.Deshmukh, Advocate for Applicants.

Mrs. M.A.Deshpande, A.P.P. for Resp.-State.

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CORAM : INDIRA K. JAIN, J.

DATE : 18th NOVEMBER, 2015

ORAL ORDER :-

1. These applications by four applicants are for enlargement on bail in Crime No. 285/2015 registered at Maharashtra State Excise Department, Mumbai for the offences punishable u/ss 65 (A) (E), 80,81,83,90 and 108 of the Bombay Prohibition Act, 1949.

2. It is the case of prosecution that on 27/09/2015 in the vicinity of Ahmednagar – Solapur road, Chandani Chowk, Ahmednagar flying squad of State Excise department conducted the raid and found applicants in possession of various types of liquor bottles without any permit. The liquor bottles worth ₹ 97,76,920/- were seized by raiding party along with the vehicles in which the bottles were being carried. According to the prosecution, liquor bottles were manufactured in other State and they were being transported without any permit through the State of Maharashtra and there is possibility of a racket dealing in fake liquor business.

3. The learned counsel for applicants vehemently contended that offence u/s 65 (E) of the Bombay Prohibition Act is the only offence which is non-bailable and rest of the offences alleged against the applicants are bailable. The learned counsel further submitted that the offence u/s 65 (E) is not at all

attracted so far as the applicants are concerned and considering the punishment prescribed, it would not be appropriate to detain the applicants further in the custody.

4. The offence u/s 65 (E) is punishable with imprisonment which shall not be less than 3 years but may extend to 5 years or with fine not less than ₹ 25,000/- and may extend to ₹ 50,000/- or with both.

5. Applicants in Criminal Application No. 5958 of 2015 claim that they are permanent residents of Ulhasnagar and there is no likelihood of their fleeing from justice. Applicants in Criminal Application No. 6023 of 2015 are permanent residents of Udaypur in Rajasthan State and they submitted that they are ready to co-operate the investigating agency for further investigation.

6. Learned A.P.P. strongly objected the application mainly on the ground that in case accused are released on bail, there are chances of preparing fake liquor and re-filling the same having serious consequences. It is submitted that huge quantity of fake liquor was recovered. Main culprit is absconding and release of the applicants would cause hindrance in smooth investigation.

7. So far as apprehension of prosecution is concerned, the same can be taken care of by imposing

suitable conditions. Considering the nature of offences, severity of punishment and allegations levelled against applicants, this Court finds it a fit case to enlarge the applicants on bail. Hence the following order.

8. (i) Criminal Application Nos. 5958 of 2015 and 6023 of 2015 are allowed.

(ii) Applicants therein are released on P.R. and S.B. of ₹ 20,000/- [Rupees Twenty Thousand] each.

(iii) Applicants to submit the proof of their residents.

(iv) Applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required for further investigation.

[INDIRA K. JAIN]
JUDGE