

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1013 OF 2015

Rajendra Dadaji Pawar	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Mahendra N. Sandhyanshiv, Advocate for the applicant.
Mr. Arfan Sait, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 3, 2015**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is apprehending arrest under section 328 of the Indian Penal Code and under section 65(E),(F) of Bombay Prohibition Act in C.R. No. 153 of 2015 registered with Malegaon Taluka Police Station, District Nashik.

2. It is the case of the prosecution that on 22nd June, 2015. The informant/police officer received information that the applicant Rajendra Pawar was preparing illicit liquor illegally. Accordingly, the police along with the staff raided the premises near the bank of river and found that two persons including applicant/accused were busy in preparing illicit liquor. Those persons ran away. The police seized the materials lying there which were used for manufacturing illicit liquor. Thereafter the offence was registered. Hence, this Application.

3. The learned counsel for the applicant/accused submitted that the applicant is innocent. There is no criminal antecedent against the applicant/accused. The offence under section 328 are not made out and the illicit liquor were seized by the police on the same day, therefore, his custody is not required.

4. Learned APP opposed the Application. He submitted that the offence is serious and he is not to be protected by pre-arrest bail.

5. Perused the FIR and the documents produced herein. The applicant/accused is charged with the preparation of illicit liquor illegally. Considering the contents in the FIR, *prima facie* Section 328 cannot be attracted, however, section 65E, F are non-bailable. All the materials and illicit liquor which were found on the spot were seized by the police. On the basis of telephonic instructions taken by learned APP from Investigating officer, as directed by this Court, it is informed that there is no antecedent against the applicant/accused under the Bombay Prohibition Act. In view of this, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;

- ii) The applicant shall not tamper with the evidence;
 - iii) The applicant shall not indulge into any kind of offence especially the offence under Bombay Prohibition Act;
 - iv) The applicant shall not enter Village Mathurpade till 19th August, 2015.
 - v) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Friday between 5 p.m. to 7 p.m. till the filing of the charge sheet.
 - vi) Breach of any of the conditions shall amount to cancellation of pre-arrest bail forthwith.
6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)