

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

CRIMINAL APPLICATION NO. 4249 OF 2015

Office of the Commissioner of Central Excise,
Customs & Service Tax, Aurangabad
Through Superintendent (SIV-V) ...Applicant

versus

Shaikh Rafiq Ahmed,
Occ: Business as Proprietor of
M/S. Perfect Express Cargo,
R/o. H.No. 5-8-85, Opp. Mayor Bunglow,
Kranti Chowk, Aurangabad. ...Respondent

.....
Mrs. Kalpalata Patil Bharaswadkar, Advocate for applicant
J.P. Legal Associates, for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 8th FEBRUARY, 2016

ORAL ORDER :

This application is for cancellation of bail of respondent, who had failed to deposit the dues towards payment of taxes though in law, he was liable for. According to Mrs. Bharaswadkar, learned Counsel for the applicant, though the amount was not deposited at the relevant time, learned Court below has proceeded to grant regular bail without any condition.

2. She would then urge that as the respondent has failed to pay Rs. 9 lakh and odd, which is outstanding against him, he has

committed an offence.

3. Learned Counsel for the respondent would urge that the amount as was liable to be paid when the offence was registered, is already deposited, which fact is not in dispute.

4. In my opinion, in view of above fact, there is no compelling circumstances in the present case, which prompts cancellation of bail. The outstanding amount, if any, towards the payment of taxes under the service tax, in my opinion, will give new cause against the respondent. As such, no case for cancellation is made out. The application fails, stands rejected.

[N.W. SAMBRE, J.]