

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

928 CRIMINAL APPLICATION NO. 1533 OF 2017

HIMMAT S/O. UTTAM KOLI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P.R. Katneshwarkar
APP for Respondent/State : Mr. S.W. Munde
...

CORAM : T.V. NALAWADE, J.
DATED : April 13, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. The papers of investigation were made available to this Court for perusal. On the last date, the learned APP was asked to ascertain as to whether there are similar bad antecedents against the applicant. Today the learned APP submitted that no similar cases are registered against the applicant in the past.

2. The crime is registered on the basis of report given by one Police Naik in Shirpur City Police Station at C.R. No. 65/17 for the offences punishable under section 328 of I.P.C. and section 65 of Bombay Prohibition Act. On 3.3.2017, on the basis of secret information, raid was effected by police and at that place one lady by name Kokilabai Koli was present and she was found in possession of illicit liquor, worth Rs. 1.26 lakh. The

information revealed that present applicant, brother of the said lady and the said lady, were doing the business together. The material came to be seized. It is not yet ascertained as to whether it is bogus liquor and sold under the brand name. At present, there is allegation that there is no licence or permit in respect of possession and sale. The applicant is behind bars since 5.3.2017. In view of these circumstances and as it is not certain as to how much time will be required for disposal of the case in future, if it is filed, this Court holds that bail needs to be granted to the applicant.

3. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- (Rupees fifty thousand) with one or more solvent sureties of like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T.V. NALAWADE, J.]

ssc/