

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

CRIMINAL APPLICATION NO. 2305 OF 2017

Bablu @ Sandip Indramal Rajput .. Applicant
Age. 35 years, Occ. Business,
R/o. Shrirampur, Dist. Ahmednagar.

Versus

The State of Maharashtra .. Respondent

Mr.T.T. Khansare, Advocate for the applicant.
Mr.A.D. Namde, A.P.P. for respondent/State.

**CORAM : K.L. WADANE, J.
VACATION COURT
DATED : 15.05.2017**

P.C. :-

1. Heard Mr.T.T. Khansare, learned Advocate appearing for the petitioner and Mr.A.D. Namde, learned A.P.P. for the State. The present application is filed by the applicant under the provisions of Section 438 of the Criminal Procedure Code on the ground that the alleged spurious liquor was already attached by the concerned police. Other three accused persons were already arrested and they were released on bail by the concerned Magistrate. According to learned Advocate for the applicant, custodial interrogation of the applicant is not required. As against this, learned A.P.P. for the State argued that the present applicant is the main

accused and other three accused persons are labours. Present applicant is the master-mind behind the crime and his custody is required to know from where he brought batches and bottles of branded liquor and for that purpose custodial interrogation of the applicant is required.

2. Considering the fact that the bottles of spurious liquor are already seized by the police and other accused are already released on bail, in the circumstances, it is for the investigating officer to find out from where the present applicant has brought the batches and bottles of the branded liquor. In my opinion, for that purpose, custody of the applicant is not at all required. Hence, the following order.

i. The criminal application is allowed.

ii. In the event of arrest, the applicant be released on bail in connection with Crime No. 53 of 2017, registered with Shrirampur City Police Station, Shrirampur, Dist. Ahmednagar, for offence punishable under section 420 of the Indian Penal Code and section 65 (a) (b) (d) (e) (f), 81, 83, 90, 108 of the Bombay Prohibition Act, on his furnishing P.R. & S.B. of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety

in like amount.

iii. The applicant is directed to co-operate with the investigating officer for further investigation and he shall remain present in the concerned police station for the purpose of further investigation as and when called by the Investigating officer, till submission of charge-sheet.

[K.L. WADANE, J.]