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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.621 OF 2017

Pramod Abhiman Lande	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO.635 OF 2017***

1. Parmeshwar Baban Mane	
2. Shivaji Chandeo Bhosale	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.Satyavrat Joshi i/b Mr.Jaydeep Mane, for the Applicant in Bail Application No.621 of 2017.

Mr.R.M.Thobde, for the Applicants in Bail Application No.635 of 2017.

Ms.S.S.Kaushik, A.P.P. for the Respondent-State in Bail Application No.621 of 2017.

Ms.Rutuja Ambekar, A.P.P. for the Respondent-State in Bail Application No.635 of 2017.

Sub-Inspector – P.U.Nikalje, State Excise Office A-2, Solapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th APRIL, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By these applications, the Applicants seek their enlargement on bail in connection with C.R.No.41/A-2/2017 registered with the State Excise Office A-2, Solapur, for the alleged offences punishable under Sections 65(a)(b)(c)(d)(e)(f), 80, 81, 83 and 108 of Bombay Prohibition Act.
3. Learned Counsel for both the applicants states that the applicants are the owners of different Dhabas and that the only allegation qua the applicants is that they purchased liquor from accused no.1 - Pramod Jadhav who was mixing liquor and repacking them. They submitted that apart from the aforesaid, nothing incriminating was found against any of the applicants.
4. Learned APP's appearing in both the applications submitted that several liquor bottles were found in the hotel. They submitted that the bottles were purchased at a price which was a little lesser than the MRP and

hence the applicants had knowledge that the bottles were not genuine.

5. Perused the papers. According to the prosecution, a raid was conducted at Damani Nagar, Solapur at the house of Accused No.1 - Pramod Jadhav on 16th February, 2017. In the said raid, the officers found that foreign liquor was being repacked into other bottles of various brands. At the said spot, bottles of various brands, plastic labels, caps, sealing machine, hot air gun etc., were found and the same were seized. Accordingly, panchanama was done and Pramod Jadhav, the owner of the premises and his Manager – Appa Vitthal Lavate, who were present at the spot were arrested. The only allegation as against the applicants who are the owners of the Dhabas is that they had purchased liquor from Pramod Jadhav. Nothing incriminating was found in the applicants' premises, which would suggest that the applicants were mixing liquor. Whether the applicants had knowledge or not, as to whether the bottles containing liquor were genuine or not, is a matter which will be considered at the stage of trial. This being the only material as against the applicants, the applications are allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall attend the concerned Police Station, every Friday, between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet and thereafter on the first Monday of every month, between 10.00 a.m. to 12.00 noon, for a period of 6 months from the date of filing of the charge-sheet;
- iii) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicants shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- v) The Applicants shall cooperate with the conduct of the trial.

6. The Applications are allowed and disposed of in above terms.
7. It is made clear that the observations made herein are *prima facie* and are confined to the aforesaid applications and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)