

said vehicle and he is also in the business of selling liquor illegally and has handed over the liquor bottles for delivery to accused No. 1 Moushim Asim Shaikh who was driving the vehicle and thereafter the offence was registered at C.R. No. 104 of 2016 with Nashik Taluka Police Station, Nashik Rural.

2. The learned counsel for the applicant/accused has submitted that the applicant/accused is not concerned with this offence and he is innocent. The accused is the friend of the applicant/accused who has borrowed his vehicle and the applicant is not aware that his friend is carrying the liquor bottles and why the number plate of the vehicles was removed. He submitted that pursuant to the order passed by this Court, the applicant filed affidavit wherein he has denied all the charges. He submitted that the car was seized by the police, however, it was returned to the applicant/accused by the order of the learned Sessions Judge dated 17th November, 2016 under section 141 of Cr. P.C.

3. Learned APP opposed this Application. He relied on the statements of the witnesses recorded by the Investigating officer. Learned APP submitted that during the course of investigation, it is found that the applicant/accused is the one who was selling the liquors without any licence or permit to store or sell such liquors. The car belongs to the

applicant/accused. He has given number plates of the bogus car to the driver. The driver was taking the delivery of liquor bottles as per the directions given by the applicant/accused. One offence is registered against the applicant/accused with Nani Daman Police Station at C.R. No. 154 of 2016 under sections 420 and 406 of Indian Penal Code.

4. Perused the FIR, affidavit of the applicant/accused and statements of the witnesses. The liquor bottles were seized by the police on the spot. The car which was involved in the offence was also seized by the police, however, it was returned to the applicant/accused. The involvement of the applicant/accused in the offence is *prima facie* found, however, considering the nature of offence, I confirm the interim bail granted to the applicant/accused by this Court dated 26th October with the same bail bond on the following conditions:

- (i) The applicant/accused shall not indulge into any illegal activity especially in the activity of selling and purchasing the liquor illegally without licence as prescribed under the Maharashtra Prohibition Act;
- (ii) The applicant shall not commit any other offence under the Indian Penal Code;
- (iii) The applicant shall cooperate the police and shall attend the concerned police station on every Saturday between 11 a.m.

to 1 p.m. till the filing of the charge sheet.

- (iv) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of anticipatory bail.

5. The Application for Anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)