

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1763 OF 2017

Gurmukhdas Namomal Khubchandani & Anr. ... **Applicants**

V/s.

The State of Maharashtra & Anr. ... **Respondents**

.....

Mr.Shreeram Shirsat, Advocate for the Applicants.

Ms.Anamika Malhotra, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 9th OCTOBER 2017.

P.C. :

1 Limited relief of transit anticipatory bail is sought by both applicants in Crime No.282 of 2017 registered under Sections 65E, 81 and 98(2) of the Prohibition Act registered at the instance of Valsad Rural Police Station in order to enable them to approach competent Court in Gujarat for anticipatory bail.

2 Heard the learned Advocate appearing for the applicants and the learned Additional Public Prosecutor for the respondent/State.

3 The learned APP submits that crime is not registered against applicant No.1 Gurmukhdas Namomal Khubchandani and,

therefore, he should not have any apprehension of arrest.

4 The learned Advocate for applicants submits that applicant No.1 Gurmukhdas is the owner of the shop and he is licensee of CL3 License Shop.

5 Be that as it may, it is case of the prosecution that accused Vishal Shethia had procured the liquor from Soni Wine Shop of which the applicant No.1 is owner and applicant No.2 is the Manager. Notice under Section 41(1)A of the Criminal Procedure Code is issued by Valsad Rural Police Station asking the Manager of Soni Wine Shop to attend the said Police Station for the purpose of investigation.

6 In this view of the matter, I am of the opinion that liberty of both applicants needs to be protected in crime in order to enable them to take recourse of law in pursuant to notice dated 28th September 2017 by the Valsad Rural Police Station. Therefore, the Order :

(i) The application is partly allowed.

(ii) In the event of their arrest in Crime No.282 of 2017 registered under Sections 65E, 81 and 98(2) of the Prohibition Act with Valsad Rural Police Station-3,

Gujarat, for a period of fifteen days, they be released on their executing P.R. bond in the sum of Rs.15,000/- and on furnishing surety in the like amount in order to enable them to take recourse to the procedure of law by approaching appropriate Forum.

(iii) As a condition of this Order, applicants to cooperate the Investigator.

(iv) The application is accordingly disposed of.

(A.M.BADAR J.)