

Vidya Amin.

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

CRIMINAL APPLICATION NO. 580 OF 2018

Manish Pardasani & Anr.	...	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Vivek Kantawla a/w. Mr. Amey Patil, Shruti Anurag i/b. M.M.
Legal Associates, Advocate for the applicants.
Ms. Rutuja Ambekar, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 23rd October, 2018**

P.C. :

This Criminal Application is moved for relaxation of order dated 10th October, 2018 passed by the learned Additional Sessions Judge, Greater Mumbai in Miscellaneous Application no. 460 of 2018 in Anticipatory Bail Application no. 1328 of 2018 in respect of condition imposed to attend the State Excise office daily till the filing of the charge sheet.

2. The applicants/accused are prosecuted for the offence punishable under sections 23, 24, 65(a), 65(e), 73, 74, 81, 83 & 90 of the Maharashtra Prohibition Act, 1949. Interim Anticipatory Bail was granted by the learned Sessions Judge by order dated 13th

August, 2018, which was confirmed by order dated 3rd September, 2018 wherein the condition was imposed on the applicants/accused for attending the State Excise office daily. Therefore, Miscellaneous Application No. 460 of 2018 was moved before the Sessions Court for modification of the said condition. The learned Sessions Judge by order dated 10th October, 2018 modified the said order but the daily attendance to State Excise Office was made compulsory from 11 a.m. to 2 p.m. till the filing of the charge sheet. Hence, this Application.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused have attended the State Excise office everyday for 70 days between 11 a.m. to 2 p.m.

4. The learned APP, while defending the order of the Sessions Court, has submitted that the police wants to seize the hard-disc and C.P.U. from the applicants/accused and still the investigation is going on.

5. The condition ex-facie of attending State Excise office daily from 11 a.m. to 2 p.m. is very draconian for the offence under the

Maharashtra Prohibition Act. For 70 days the applicant/accused have attended the State Excise office. On query, I am informed that the police are not certain about the filing of the charge sheet. The police are going to trace out the absconding two accused. The condition of attendance daily to State Excise office is hereby relaxed with the following order:

The applicants/accused shall attend the State Excise office on every Monday between 10.00 a.m. to 11.00 a.m. till 30th November, 2018 or till filing of the charge sheet, whichever is earlier.

6. Criminal Application is disposed of.

(MRIDULA BHATKAR, J.)