

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (ABA) No.283 of 2019
(Harshal Vasanta Pakmode .vs. State of Maharashtra through State Excise
Officer, Flying Squad, Chandrapur.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. J.S. Chilotra, Advocate for Applicant
Mr. V.P. Maldhure, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 16, 2019.

The applicant herein has approached this Court apprehending arrest in connection with FIR registered on 10.02.2019 at the behest of the Officers of the State Excise Department, for alleged offences under Sections 65(A),(E), 81 and 83 of the Maharashtra Prohibition Act, 1949. The manner in which the offences have been registered shows that the accused is shown as one Pranit Ramteke, who was found with the vehicle in which country liquor was being illegally transported and amongst the suspects, it was stated that the owner of the vehicle and one unknown person were involved. The value of the contraband liquor recovered was Rs.1,95,000/-. On this basis, the aforesaid offences were registered.

2. The applicant herein is the owner of the vehicle in question and it is his case that he had given the vehicle for driving to the said named accused person.

3. But, it has come on record as per the reply

filed on behalf of the non-applicant/State that the said named accused has given a statement that he was only a helper and that the driver of the vehicle was one Pranit Anna, who appears to be absconding. On this basis, it is claimed by the learned APP that the present application deserves to be rejected so that proper investigation can be undertaken and exact identity of the driver could be ascertained.

4. While issuing notice on 10.05.2019, this Court granted ad-interim protection to the applicant in the following manner:-

"In the event of arrest in connection with Crime No.99 of 2019, registered with the non-applicant, the applicant be released on provisional bail on depositing Rs.1 Lakh and furnishing two solvent sureties for Rs.25,000/- each.

The amount of Rs.1 Lakh shall be deposited till 16.05.2019. If the amount is not deposited till 16.05.2019, the interim protection shall cease to operate from 17.05.2019 and the non-applicant will be at liberty to take appropriate action as per law."

5. Since there was some confusion as to where the said amount of Rs.1 Lakh was to be deposited, by order dated 04.06.2019 this Court permitted the applicant to deposit the said amount before this Court.

6. There is no dispute about the fact that the applicant has indeed deposited amount of Rs.1 Lakh before this Court.

7. Considering the nature of allegations made against the applicant herein and the fact that he has abided by the conditions imposed by this Court by order

dated 10.05.2019, this Court is of the opinion that the ad-interim protection granted to the applicant can be confirmed by imposing certain further conditions.

8. In view of the above, the present application is allowed and the ad-interim protection granted to the applicant is confirmed on the further condition that the applicant shall appear before the Investigating Officer on 19.07.2019 at 10 a.m. and on further such occasions as the Investigating Officer may require. The applicant shall fully cooperate with the investigation and he shall not tamper with the evidence or influence witnesses.

9. The amount of Rs.1 Lakh deposited in this Court, shall be transferred to the State Excise Department, subject to further orders that may be passed by the appropriate Court during the course of trial.

10. The application is disposed of in above terms. Hamdast granted.

JUDGE

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