

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

Criminal Application (ABA) No.308 of 2019
(Tarandeepsingh Sarabjeetsingh Oberoi .vs. State of Maharashtra through
PSO PS Padoli, Dist. 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. H.R. Dhumale, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : June 27, 2019.

The applicant herein has approached this Court apprehending arrest in respect of FIR dated 27.04.2019, whereby offences under Sections 188 of the IPC and Sections 83 and 65(A) of the Maharashtra Prohibition Act, 1949, were registered against one Mansingh Bhindar. The case of the prosecution is that while the said named accused was driving the vehicle in which contraband liquor was found, the applicant had allegedly left the vehicle and ran away. It is also the case of the prosecution that the applicant was named by the said Mansingh Bhinder as the person to whom the contraband liquor belonged.

2. On 23.05.2019, this Court took into consideration the said facts and granted ad-interim protection to the applicant in the following manner:-

“In the event of arrest of the applicant Tarandeepsingh Sarabjeetsingh Oberoi in Crime No.126/2019 registered at Police Station, Padoli, Tah. And District

Chandrapaur for the offences punishable under Sections 65(a) and 83 of the Maharashtra Prohibition Act and Section 188 of the Indian Penal Code, he be released on interim bail on execution of Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety of like amount on following conditions:-

(a) The applicant shall make himself available before the Investigation Officer as and when called.

(b) The applicant shall not tamper with the evidence or witnesses."

3. An affidavit-in-reply has been filed on behalf of the non-applicant/State wherein it is claimed that the custodial interrogation of the applicant is required in order to find out as to the manner in which the applicant was purchasing, transporting and selling the liquor in district Chandrapur, where there is prohibition.

4. The affidavit-in-reply does not state anything about any previous cases registered against the applicant or any criminal antecedents. Considering the fact that the applicant was not named in the FIR and it is more because of what was stated about him by the accused person that the prosecution is proceeding against the applicant, this Court is of the opinion that the present application deserves to be allowed.

5. Accordingly, the present application is allowed and the applicant is granted anticipatory bail on the same terms on which he was granted ad-interim

protection by order dated 23.05.2019 quoted above.

JUDGE

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