

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

Criminal Application (BA) No.530 of 2019
(Tirupati Bakkayya Lakkamwar and another. .vs. State of Maharashtra
through Divisional Flying Squad, State Excise Department, Nagpur.)

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

Court's or Judge's orders.

Ms. Kirti Satpute, Advocate for Applicant
Mr. A.D. Sonak, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 17, 2019.

The applicants have approached this Court seeking bail as they stood arrested on 03.06.2019 in connection with FIR dated 05.09.2018 registered at Police Station Wani, District Yavatmal.

2. The learned counsel for the applicants have pointed out that FIR was registered on 05.09.2018 against unknown person as it was claimed that upon information being received, a vehicle was found with liquor worth Rs.5 lakhs. On the basis of the said recovery, the aforesaid FIR was registered against unknown persons.

3. It is further submitted on behalf of the applicants that when they were called by Police on 03.06.2019 for questioning, they were arrested and since then they are behind bars. It is submitted by the applicants that they are in no way concerned with the said contraband liquor, other than the fact that the applicant no.1 is the registered owner of the said vehicle.

4. Upon notice being issued, the learned APP has handed over reply in response to the said application, wherein it is stated that upon investigation and recording of statement of a Manager of a Finance Company, it came to light that the applicant no.1 has purchased the said vehicle and he was the registered owner. It was stated that the applicant no.2 was found to be the driver of the said vehicle. It is stated that the investigation is still in progress and that, therefore, the present application deserves to be rejected.

5. The aforesaid facts demonstrate that while the FIR was registered way back on 05.09.2018 wherein accused persons were recorded as unknown, the applicants stood arrested on 03.06.2019 when they visited the concerned Police Station. It appears that the non-applicant/State has material to show that the applicant no.1 is the owner of the vehicle in question. It has also come on record that the applicants have been behind bars since 03.06.2019 and the contraband liquor stood seized on the date of registration of the FIR i.e. 05.09.2018. Since the applicants have been behind bars for more than a month, this Court is of the opinion that conditional bail can be granted to the applicants.

6. Accordingly, the present application is allowed. The applicants are directed to be released on bail on the following conditions:-

a) The applicants shall furnish P.R. Bond of Rs.50,000/- (Rs. Fifty Thousand) each and a surety in the like amount.

b) The applicants shall attend the office of the State Excise Department, Nagpur Division, once every

week i.e. on Monday between 10 a.m. and 5 p.m.

c) The applicants shall cooperate with the investigation and they shall neither tamper with the evidence nor influence witnesses.

d) The applicants shall not indulge in any activity similar to the one, i.e. led to registration of the aforesaid FIR.

7. It is made clear that if the applicants violate any of the conditions noted above, bail granted to them shall be liable to be cancelled. It is further clarified that the observations made in the present order are limited to the question of grant of bail to the applicants.

JUDGE

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