

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

Criminal Application (ABA) No. 450 of 2019

Wasim Khan

Vs.

State of Maharashtra through P.S. Wadgaon Road, Yavatmal City

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

Court's or Judge's orders

Mr. M.N. Ali, Advocate for applicant
Mr. N.R. Rode, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 05, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 04/02/2019, for offence under Section 65(E) of the Maharashtra Prohibition Act, 1949. In the FIR, the applicant is not named and this Court noted relevant facts of the present case while issuing notice and granting ad-interim protection to the applicant. The relevant observations of the said order dated 09/07/2019 read as follows :

“4. The applicant herein has approached this Court apprehending arrest in connection with FIR dated 04/02/2019 registered against him for the offence punishable under section 65(E) of the Maharashtra Prohibition Act, 1949.

5. It is pointed out by the learned counsel for the applicant that the applicant is

not even named in the FIR. It is alleged that in the FIR that a truck owned by the applicant herein was found to be transporting liquor valued at about Rs.55,000/- and that such liquor was meant to be transported to District Chandrapur, which is a dry district. When the truck was seized, the driver had also abandoned it and it is not even alleged that the applicant was present at the spot where the truck was seized.

6. The aforesaid facts indicate that a case for grant of ad interim protection is made out.

7. Hence, in the event the applicant is arrested in Crime No.222 of 2019, registered at Police Station Wadgaon Road, District Yavatmal, he shall be released on bail on furnishing PR bond of Rs.25,000/- and surety in the like amount. The applicant shall cooperate with the investigation and make himself available to the Investigating Officer as and when required. The applicant shall not tamper with the evidence or influence the witnesses.”

2. In response to the notice issued by this Court the non-applicant State has filed its reply, stating that the applicant has indeed remained present before the Investigating Officer, but, it is claimed that he has given evasive replies.

3. Considering the fact that there are no criminal antecedents of the applicant and that he undertakes to cooperate with the investigation, the present application deserves to be allowed.

4. Accordingly, the instant application is allowed and the applicant is granted anticipatory bail by confirming ad-interim protection granted by order dated 09/07/2019, passed by this Court.

5. The applicant shall continue to cooperate with the investigation and he shall not tamper with the evidence or influence the witnesses.

JUDGE

MP Deshpande