

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

LD-VC-CRIMINAL APPLICATION (ABA) NO. 566 OF 2020

(Sharik Israel Sheikh, Yavatmal Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri M.N. Ali, Advocate for the applicant.
Shri N.R. Rode, A.P.P. for the non-applicant/State.

CORAM : PUSHPA V. GANEDIWALA, J.
JULY 10, 2020.

Heard the learned counsel for the parties through Video Conferencing and they agreed that the audio and visual quality was proper.

2. The applicant is apprehending his arrest in connection with Crime No. 1086/2019 dated 29/08/2019 registered at Police Station, Warora, District Chandrapur for the offences punishable under Sections 65(a) and 83 of the Maharashtra Prohibition Act, 1949 and Section 188 of the Indian Penal Code.

3. The case of the prosecution in brief is that on 29/08/2019, two persons by name Mayur Gautam Bagde and Tushar Gabhane, both r/o Nagpur approached to the Police Station, Warora in the capacity of authorized persons of Zoomcar India Pvt. Ltd. They disclosed that three days ago, their four-wheeler bearing registration No. MH-43-BP-3065 took on rent by the driver Sharif Shaikh and he did not return the same. They further disclosed that the said vehicle is running within the area of city Wani,

Chandrapur. Thereafter, the police got a secret information that the same vehicle is coming to Warora from Wani around 13.10 hours. They blocked the road at Wani Naka, Warora. After some time, the vehicle was coming in high speed. The police gave a signal to stop the same but by seeing them, the driver stopped the vehicle at some distance and succeeded to flee away by leaving the vehicle. In the presence of panchas, they took a search and found nine boxes containing liquor bottles worth Rs.1,36,000/- and two plastic sacks containing country liquor bottles worth Rs.50,000/-. They seized the contraband article alongwith the vehicle and registered the aforesaid offence.

4. Shri Ali, learned counsel for the applicant submits that the applicant was not found on the spot. He is involved in the instant case only because the car, which is found with contraband was booked from his mobile number. He has no criminal antecedents and the said mobile is already seized by the prosecution and thus prayed for allowing the application.

5. On the contrary, the learned A.P.P. opposing the application contended that the custodial interrogation of the applicant is necessary to know whether there is any involvement of other persons in transporting contraband into the Chandrapur District.

6. Having considered the submissions put forth on either side and on perusal of record so also considering the nature of allegations levelled against the applicant, I am of the view that no purpose would

be served by taking the applicant in custody and the directions to co-operate during the investigation would serve the purpose and hence, I pass the following order.

ORDER

1. The Criminal Application is allowed.
2. In the event of arrest of the applicant Sharik Israel Sheikh in Crime No. 1086/2019 dated 29/08/2019 registered at Police Station, Warora, District Chandrapur for the offences punishable under Sections 65(a) and 83 of the Maharashtra Prohibition Act, 1949 and Section 188 of the Indian Penal Code, he shall be released on anticipatory bail on furnishing PR bond of Rs.15,000/- (Rs. Fifteen thousand) and one or two surety bonds in the like amount.
3. The applicant shall co-operate during the investigation and shall attend the concerned Police Station on the first Monday of each month between 11.00 am to 02.00 pm, pending trial.
4. The applicant shall not in any manner tamper with the evidences.
5. The Criminal Application is accordingly stands disposed of.
6. The observations made above is only for granting bail to the applicant and it shall not come in the way of the trial Court during trial.
7. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible

in law.

JUDGE

Sumit