

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.936 OF 2021

Deepak Rajkumar Nankani

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....
Ms.Prabha Bhadadare i/b. Mr.P.R. Arjunwadkar, Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : APRIL 1st, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.I-69 of 2021, registered with Excise Flying Squad, Mumbai, for the offences punishable under Sections 65 (A), (E), 80, 81, 83 and 90 of Maharashtra Prohibition Act, 1949.

2 The case of the prosecution is that on 19th February, 2021, information was received by Excise Department that liquor will be transported by some persons. Accused nos.1 and 2 were found in possession of 29 bottles of Whiskey, which was seized.

Inquiry was made with both the arrested accused who stated that liquor was purchased from the applicant. The co-accused who were arrested had preferred an application for bail and they were granted bail.

3 The contention of the applicant is that he is not indulging in sale or transportation of liquor. Custodial interrogation of the applicant is not necessary.

4 Learned APP submitted that the liquor was recovered. The complicity of the applicant was disclosed during the investigation. Considering the fact that the contraband is already recovered and seized by the investigating agency, the applicant need not be subjected to custodial interrogation.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.936 of 2021, is allowed;
- (ii) In the event of arrest of the applicant in connection with C.R.No.I-69 of 2021, registered with Excise Flying Squad, Mumbai, the applicant be released

on bail on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall appear before the investigating officer on 15th, 16th and 19th April, 2021, between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for, till filling of the charge - sheet;
- (iv) Anticipatory Bail Application No.936 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)