

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

CRIMINAL APPLICATION (ABA) NO. 715/2021

(Abhijeet S/o Rajendra Kumbhekar Vs. State of Maharashtra)

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

Court's or Judge's Orders

Shri A. C. Jaltare, Advocate for applicant.
Shri S. D. Sirpurkar, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 29.10. 2021.

Heard.

2. In anticipation of arrest in Crime No.337/2021, registered with the Police Station, Warora, District Chandrapur for offence punishable under Sections 65(a), 83 of the Maharashtra Prohibition Act read with Section 188 of the Indian Penal Code, applicant is praying for pre-arrest protection.

3. The learned Counsel for the applicant also seeks for interim protection.

4. It is the prosecution case that on receipt of secret information on 24.04.2021, the Police have accosted a truck and seized stock of illicit liquor worth Rs. 18.43 lakhs. It is the applicants case that though the concerned vehicle was registered in the name of one Prakash Bhoyar, however he has purchased the same on 29.12.2020. Particularly, it is applicant's case that by executing on agreement dated 12.03.2021, he has rented truck to one Rajendra Mamed Palli for the period from 12.03.2021 to 12.03.2021 on rent of Rs. 12,000/- per month. Precisely, it is his contention that at the time of seizure, vehicle was in control of one Rajendra Mamed Palli.

5. Already the Police have seized vehicle as well as stock of illicit liquor. Pertinent to note that the applicant in the capacity of owner had applied to the Magistrate for return of seized vehicle which was accordingly returned. There are no antecedents against the applicant/accused. The

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reply-affidavit does not disclose substantial reason to have custodial interrogation of the applicant.

6. Having regard to the above facts, applicant's liberty can be protected, hence following order:-

(I) Application stands disposed of.

(II) In the event of arrest of applicant – Abhijeet S/o Rajendra Kumbhekar, he be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one surety in the like amount.

(III) The applicant shall attend concerned Police Station on every Sunday in between 11.00 am. to 02.00 p.m. till filing of charge-sheet or 60 days whichever is earlier.

(IV) The applicant shall not hand over the custody of the concerned truck to third party till conclusion of trial.

(V) In case of breach of condition, the State is at liberty to move for cancellation as well as to

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approach to the Trial Court for seeking custody of seized of vehicle.

(VI) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Gohane.