

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.223 OF 2022

JITENDRA S/O LALCHAND SONAWNE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. T. K. Sant
APP for Respondent-State : Ms. Vaishali Patil Jadhav

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 09-03-2022

PER COURT :

1. The applicant is apprehending his arrest in connection with Crime No.11 of 2022, registered with State Excise Office, Bhusawal District Jalgaon, for the offence punishable under Section 54(A), (E), 81, 83, 90 of the Maharashtra Prohibition Act.
2. Heard learned Advocate Mr. T. K. Sant for applicant and learned APP Ms. Vaishali Patil Jadhav for respondent-State.
3. It has been vehemently submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated. The informant and the other officers of the State Excise Office visited the place of the incident and admittedly applicant was not present at the

spot. Nothing is recovered or discovered from possession of the applicant. Name of the present applicant is not mentioned in the FIR. With some ulterior motive he has been framed in the case. The applicant is ready to abide by the terms of the bail.

4. It has been vehemently submitted on behalf of the prosecution that it is not the first case against the present applicant. Crime No.98 of 2019 was registered against him on 28-03-2019 and in that case he has been released on anticipatory bail by the learned Additional Sessions Judge, Bhusawal on 25-04-2019. He is in the business of manufacturing spurious liquor which will cause loss and damage to the human who would consume such spurious liquor. At the spot, the informant could find the articles required for manufacture of spurious liquor. It is then required to be gathered from where the raw material was procured and where the finished product was supposed to be distributed. It appears to be a racket, and therefore, that racket will have to be busted. At the spot the police could caught hold of one Piyush Ganesh Halde and Anant Ganesh Wadhe. From the bank account statement of Piyush Halde, the police could find transactions in huge amount which are from the account of the applicant. Therefore, when on bail he has committed

another offence, he does not deserve any protection.

5. Perusal of the FIR lodged by Sangar Kalyanrao Deshmukh, an employee with the State Excise Department, Bhusawal, the police could seize articles worth Rs.1,02,682/-. Those were the whisky bottles of various company and also the gin and beer bottles. One country liquor box also appears to have been found at the spot. But that list also includes a motorcycle as well as two mobile phones, and therefore, the amount appears to be high. What is required to be seen further is that the police during the course of the investigation could find the monitory transactions between the present applicant and accused Piyush Halde. It appears that the certain bottles having label of Allied Blenders and Distillers Company was sent to that company to see whether the product matches. The report says that the sample is not matching with their Standard Reference of Officer's Choice Blue Pure Grain whisky. So also the product which was seized under the brand name Royal Stag Whisky, was sent to Pernod Ricard India (P) Limited, Kadwa, Mhalungi, Tq. Dindori District Nashik, and the report is that the sample does not match with product standard specification of their quality and manufacturing. It is stated to be the adulterated version.

Therefore, when this kind of prima facie evidence against the applicant, especially the financial transactions between him and co-accused, and the fact that he is on anticipatory bail, yet another offence has been registered against him, he does not deserve extraordinary relief from this Court under Section 438 of Cr.P.C. Hence, application stands rejected at the threshold.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.