

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1552 OF 2022

Yogesh Atmaram Sandave ...Applicant

Versus

The State Of Maharashtra & Another ...Respondents

Mr. D.B. Pokale & Mr. K.S. Patil, Advocate for the applicant.
Mr. N.T. Bhagat, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in Crime No. 185/2022 registered with Excise Department for the offences punishable under section 328 of Indian Penal Code and under section 65(A), (E), 81, 83 and 90 of Maharashtra Prohibition Act, 1949.

2. The applicant is named as Accused No. 1 in the said First Information Report along with other accused namely Shivaji Kumar Kamble. It is alleged in the First Information Report that on secret information one Activa scooter was intercepted and accused Shivaji Kamble was arrested and 72 X 750 ml., Golden S

Blue Whiskey, manufactured in Goa, 1200 corks of 180 ml., Macdowells No. 1 whiskey were seized. It is alleged that at the relevant time the applicant was accompanying the co-accused from whom the articles were seized.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. The contraband articles are already seized and nothing is to be recovered from the applicant and as Accused No. 2 was arrested and he is released on bail, detention of applicant is not necessary in the facts of the present case.

5. The learned Additional Public Prosecutor vehemently opposed the application contending that similar offence is registered against the applicant and therefore considering the antecedent the applicant should not be released on anticipatory bail.

6. First Information Report at Crime No. 120/2022 registered with Excise Department on 28th June, 2022 for the

offences punishable under section 65(A)(D)(E), 81, 83, 90, 108 of Maharashtra Prohibition Act, 1949 and under section 328 of IPC against 7 accused persons. Applicant is accused No. 3 in the same. It is alleged that on secret information one Activa scooter was seized and spurious liquor i.e. 192 bottle of Macdowell No. 1 whiskey 180 ml., Imperial Blue Whiskey 144 bottles of 190 ml, and other contraband articles along with Activa scooter, Maruti Car, Honda Shine motorcycle etc were seized. It is not clear from the said First Information Report as to what exact role is played by the present applicant in that crime. In that view of the matter, the applicant deserves protection.

7. The application is therefore allowed.

8. In the event of arrest of the applicant in connection with Crime No. 185/2022 registered with Excise Department for the offences punishable under section 328 of Indian Penal Code and under section 65(A),(E), 81, 83 and 90 of Maharashtra Prohibition Act, 1949, the applicant be released on executing personal bond of Rs. 15,000/- with one surety in the like amount.

9. The applicant shall attend the concerned police station from 1st December, 2022 to 9th December, 2022, everyday, from 10.00 am to 12.00 noon and shall co-operate in the investigation.

10. Thereafter, till filing of charge sheet the applicant shall attend the concerned police station as and when called by the investigating officer. The applicant shall co-operate in the investigation and shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]