

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

CRIMINAL BAIL APPLICATION NO. 1780 OF 2022

1. Shivam Anil Mahajan	
2. Shubham Anil Mahajan	...Applicants
Versus	
State Of Maharashtra	...Respondent

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Mr. Sanjeev Kadam a/w Mr. Dilip Baburao Shinde, Advocate for the Applicant.

Mr. A. A. Palkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th OCTOBER, 2022

PER COURT:

1. The applicants are seeking bail in connection with C.R. No. 37 of 2022 registered with State Excise Police Station Flying Squad, Nashik Division, Nashik for offences punishable under Section 328 of the Indian Penal Code and Sections 65(a)(b)(c)(d)(e)(f), 80, 81, 83, 90, 103 of Bombay Prohibition Act.

2. The case of the prosecution is that the complainant received information about transportation of illicit liquor. The vehicle was intercepted. It was containing liquor boxes. The applicant No.1 was found in the vehicle. Thereafter, on

the basis of statement of the apprehended accused, excise team raided the place where the liquor was being manufactured. Bottles of liquor were seized. It was adulterated. The bottles of branded liquor were used for selling the liquor. On completing investigation, charge-sheet is filed.

3. Learned advocate for the applicant submitted that further detention of the applicants is not necessary. Both the applicants are in custody from 22.02.2022. There is no report on record that the liquor was harmful/dangerous to the life of consumers. The only report which is on record is that it is adulterated and it was not up to the standard.

4. Learned APP submitted that CA report is awaited. The applicants were found manufacturing illicit liquor. Huge quantity was seized at the instance of the applicant.

5. It is noted that the investigation is completed and charge-sheet is filed. Considering the facts of this case, further detention of the applicant is not necessary.

ORDER

(i) Criminal Bail Application No. 1780 of 2022 is allowed;

- (ii) The applicants are directed to be released on bail in connection with C.R. No. 37 of 2022 registered with State Excise Police Station Flying Squad, Nashik Division, Nashik on executing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants are permitted to furnish provisional cash bail security in the sum of Rs.25,000/- each for a period of eight weeks in lieu of surety.
- (iv) The applicants shall report concerned Police Station once in three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)