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

ANTICIPATORY BAIL APPLICATION NO. 2540 OF 2022

Somnath @ Babu Tukaram Bhosale Applicant.

V/s

The State of Maharashtra Respondent.

Mr. Ashok Mundargi, Senior Advocate i/b Mr. Vikrant Phatale for the Applicant.

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

CORAM: NITIN W. SAMBRE, J.

DATE: SEPTEMBER 22, 2022

P.C.:-

1] Applicant is seeking pre-arrest bail in C.R. No.87/FS/2022 registered with State Excise Department for the offence punishable under Sections 65(a)(e), 80, 81, and 83 of the Maharashtra Prohibition Act, 1949.

2] Mr. Mundargi, learned Senior Counsel for the Applicant while trying to make out a case for anticipatory bail would urge that the Applicant is falsely implicated in the crime in question. According to him, Applicant is apprehending his arrest based on the case of the prosecution which stands on support of the statement given by the co-accused. He would urge that even if there are antecedents same cannot be considered against the Applicant as there is no direct

evidence available against him.

3] I have appreciated said submissions.

4] Fact remains that driver of the vehicle which was carrying illicit liquor from Goa State has disclosed name of the Applicant on whose behalf he was transporting the liquor illegally. Such statement even if not admissible in evidence, same can be considered for the purpose of investigation. Apart from above, there are similar antecedents against the Applicant. As such, there is sufficient evidence to connect the Applicant with the offence in question so as to infer his complicity. That being so, no case for anticipatory bail is made out. Application stands rejected.

(NITIN W. SAMBRE, J.)