

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 717 OF 2022

Sanjay s/o Kanta Prasad Kardam .Vs. State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr Mahesh Rai, Advocate for the applicant.

Mrs Shamshi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 08/12/2022

1. Heard.

2. The applicant is seeking ad-interim bail in connection with Crime No. 136 of 2022 registered with Excise Station Inspector, Maharashtra State Excise Department Criminal Wing, Umred, District Nagpur for the offence punishable under Sections 65(a) & (e) of the Maharashtra Prohibition Act, 1949.

3. In this case, the prosecution case is that, the Sub-Inspector, State Revenue Department lodged the report with the non-applicant stating that on 17/08/2022, when he and his staff were patrolling within the jurisdiction of Kuhi Police Station, on Wadad-Butibori Road, they found one Eicher-2110/L HSD Company truck bearing No. MH-40/CD-3421. The said truck was searched and it was seen that it contained 10 Plastic Drum with 200 Ltrs. Capacity of each Drum containing approximately 2000 liters of Spirit

worth Rs. 10,13,000/-. The non-applicant seen the entire material, collected the sample and sent it for analysis to the Chemical Analyzer. Upon further search of the truck, the documents pertaining to the ownership of the truck found in a bag. As per the said documents, the present applicant, is the owner of the truck. Therefore, F.I.R. came to be registered against the present applicant.

4. The learned counsel for the applicant submits that, he has been falsely implicated in the alleged offence and there are no criminal antecedents against him. He further submits that, after ad-interim anticipatory bail was granted, he attended the concerned Police Station as directed by this Court and cooperated the Investigating Officer in investigation. He accordingly submits that, custodial interrogation of the applicant is not necessary.

5. On the other hand, learned APP points out that the investigation is going on. She further fairly states that, the applicant is attending the concerned Police Station and cooperating the Investigating Officer in investigation and the purpose would be served if he is directed to attend the concerned Police Station as and when his presence is required. In the circumstances, I pass the following order:

- a) The criminal application is **allowed**.
- b) The order granting ad-interim anticipatory bail dated 22/11/2022, is hereby confirmed with

modification that the applicant shall attend the concerned Police Station from 19/12/2022 to 25/12/2022 between 10.00 a.m. to 12.00 noon and thereafter as and when his presence is required.

JUDGE