

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.63 OF 2023

Babasaheb Keshav Pawar

...Applicant

Versus

The State Excise, Aurangabad Department
Through M.I.D.C. Waluj Police Station
And Another

...Respondents

Mr. S.B. Rajebhosale, Advocate for applicant.
Mrs. R.P. Gour, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd FEBRUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 01 of 2023, registered with State Excise Department-B (MIDC Waluj), Aurangabad, for offences punishable under sections 65(e), 81, 83, 90 and 103 of the Maharashtra Prohibition Act.

2. FIR is lodged by Excise Inspector, alleging that on secret information Hotel Maratha was raided. In one room behind the said hotel Ajay Pawar, son of the applicant was found in possession of prima facie, forged permit to sale beer. Twenty Eight beer bottles of different brands were seized, alongwith the

forged permit. Accordingly, FIR is lodged against son of the applicant, present applicant and one Santosh Tribhuvan.

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

4. It is the case of the applicant that permit to sale beer was made available and/or procured by Santosh Tribhuvan, for that purpose the applicant had sent him money from time to time, which are bank transactions.

5. It appears from the record that Ajay, son of the applicant was arrested on the spot and accused Santosh Tribhuvan is still absconding. From the investigation papers involvement of the applicant in the alleged offence is not made out. The applicant has already submitted his bank statements which shows transfer of amount from time to time to accused Santosh. Prima facie, there appears substance in the contention of the applicant that he has procured permit from accused Santosh and he or his son did not have knowledge that said permit is forged.

6. The applicant was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from the applicant. In the facts of the present case, pre-trial custodial detention of the applicant is not necessary.

7. In the result, application is allowed by confirming the interim protection.

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

[NITIN B. SURYAWANSHI, J.]