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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.150 OF 2023

Sudhakar Bhaskar Patil

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Joydeep Chatterji, Advocate for the applicant

Mr. V. S. Badakh, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th FEBRUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 325 of 2022 of State Excise Department, Flying Squad, Nashik Division, Nashik for offence punishable under sections 65 (a), (b), (c), (d) (e) and (f), 80, 81, 83, 90 and 103 of the Maharashtra Prohibition Act and Section 328 of the Indian Penal Code.
2. Excise Inspector has lodged the FIR alleging that on receipt of secret information, they raided Gut No. 181, Plots No.1, 2 and 3 on Dhule – Nagpur Highway situated within the municipal limits of Parola city. There, they found that spurious liquor was being manufactured. In the said raid, huge quantity of spurious liquor, bottles, corks were seized. It was revealed that accused

No.1 was manufacturing said spurious liquor with the help of other accused persons. The applicant is named as suspected accused in the FIR.

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

4. According to the applicant, he is owner of the plots, where the raid was conducted. He had rented said premises to accused Mahesh Sambhaji Patil, by a notarized agreement for conducting cotton business. Copy of the agreement is placed on record at Exhibit-D (page 43). It is further case of the applicant that his truck was also given to accused Mahesh by oral agreement.

5. On going through the investigation papers, *prima facie*, there does not appear any material showing active involvement of the applicant in the alleged offence.

6. The applicant was granted interim protection and was asked to co-operate in the investigation. The applicant has attended the police station and co-operated in the investigation. Nothing is to be recovered from the applicant.

7. In the facts of the present case, pre-trial custodial

detention of the applicant is not necessary. In the result, the application is allowed. In the event of arrest of the applicant in Crime No. 325 of 2022 of State Excise Department, Flying Squad, Nashik Division, Nashik for offence punishable under sections 65 (a), (b), (c), (d) (e) and (f), 80, 81, 83, 90 and 103 of the Maharashtra Prohibition Act and Section 328 of the Indian Penal Code, the applicant be released on executing Personal Bond of Rs.15,000/- with one surety. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE