

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 232 OF 2023

Ashok Daynoba More

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. A.M. Gaikwad, Advocate for applicant

Mr. K.N. Lokhande, A.P.P. for respondents

....

CORAM : R.G. AVACHAT, J.

DATE : 10th MARCH, 2023

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 317 of 2022 registered by State Excise Department, Flying Squad, Nanded for the offences punishable under Sections 65(A)(E), 81, 83, 90, 103 and 108 of Maharashtra Prohibition Act, 1949 and under Section 328 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. The F.I.R. has been lodged by an officer of State Excise Department on 16th October, 2022. It has been averred in the F.I.R. that pursuant to a tip off, an Alto car (MH-23-E-7481) was intercepted on Jamb-

Mukhed road. The driver of the car flew taking advantage of the darkness. One Sadik Pathan was in the car. He disclosed the name of driver as Ashok More, the applicant herein. On search of the car it is found to have contained 960 country liquor bottles. Same came to be seized.

4. It is informed that on investigation, charge-sheet has been filed. Except the statement of the co-accused – Sadik, there is nothing to indicate involvement of the applicant in the offence in question. The applicant is said to be a twenty-four years old science graduate. Considering the nature of offence and there being only material in the nature of statement of the co-accused, the applicant needs to be granted anticipatory bail. Hence, the following order :-

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicant, in connection with Crime No. 317 of 2022 registered by State Excise Department, Flying Squad, Nanded for the offences punishable under Sections 65(A)(E), 81, 83, 90, 103 and 108 of Maharashtra Prohibition Act, 1949 and under Section 328 of the Indian Penal Code, he be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD