

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

BAIL APPLICATION NO.1074 OF 2023

JAGDISH GOKUL PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Patil Jitendra Vijay
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : JULY 11, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.164 of 2023 registered with State Excise Department, Aurangabad for the offence punishable under Section 328 of the Indian Penal Code and Section 65 (a) (b) (d) (e) (f), 81, 83, 108 of Maharashtra Prohibition Act.
3. It has been alleged against the applicant that around 288 sealed liquor bottles were found in the vehicle. *Prima facie*, the raiding officer was of the opinion that it was a duplicate liquor. Till date, the analysis report is not received. The question would be whether Section 328 of the Indian Penal Code would apply in such cases. Otherwise soon after the raid, the investigation has been completed. The applicant was the driver of the vehicle. It has been

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argued that he has no connection with the said liquor bottles. Considering the facts of the case, the detention of the applicant would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Jagdish Gokul Patil, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the State Excise Department as and when called on written notice by the Inspector, State Excise Department, Aurangabad, till filing the charge sheet.

(S.G. MEHARE, J.)