

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1293 OF 2023

SUDHIR BABAN SANAP
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S. E. Shekade
APP for Respondents: Mr. V. S. Badakh
...

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 21, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 111 of 2023 registered with State Excise Department A-1, Ahmednagar for the offences punishable under Sections 65(E), 80, 81, 83, 90, 103, 108 of Maharashtra Prohibition Act.

2. FIR indicates that the liquor which is not permissible to be sold out of State of Goa was found with the co-accused. The offence came to be registered against them. During the course of investigation on the basis of statement of co-accused name of the present Applicant was revealed.

3. Learned Counsel for the Applicant states that except for the alleged statement of the co-accused,

there is no evidence to connect him with the crime in question.

4. Learned APP though opposed the application but was unable to show any other evidence than statement of co-accused to indicate complicity of Applicant in this crime.

5. Needless to say that the statement of co-accused made to police officer is not admissible in evidence unless made under Section 27 of Evidence Act. In order to hold the Applicant responsible for the crime, there has to be some more evidence than this is required. There are no criminal antecedents of the Applicant. Appropriate direction to appear before IO would be sufficient for further investigation, if any.

6. In view of above, application stands allowed by confirming order dated 08th August, 2023.

(R.M. JOSHI, J.)

Malani