

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1509 OF 2023

Hitesh @ Yogesh s/o Gajanan Choudhary

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. P. P. Mandlik, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 26th SEPTEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0303/2021 registered with Deopur West Police Station, Dist. Dhule, for the offences punishable under Sections 328, 120-B, 420, 485, 486, 487 of Indian Penal Code and under Sections 65(a), 65(b), 65(c), 65(e), 65(f) of Maharashtra Prohibition Act and Sections 76 and 79 of the Trade and Merchandise Act, 1958.

2. First Information Report indicates that on 27th October, 2021, concerned police received information about preparation of illicit country and foreign liquor. The said place was raided wherein

17 boxes of liquor were found. Those articles were seized. It is revealed that present applicant is the owner of the said premises.

3. Learned counsel for applicant states that he had let out the said premises to co-accused which fact is supported by the documentary evidence in the form of Rent Agreement dated 4th August, 2021. It is his submission that in absence of any other evidence to connect him with the crime, his custodial interrogation is not necessary after filing of the charge-sheet.

4. Learned APP opposed the said contentions by referring to the charge-sheet. It is her contention that the applicant being owner of the premises wherein illegal activities were done, he is responsible for the same for not keeping appropriate care about the use of the said premises.

5. After completion of investigation, charge-sheet has been filed. Rent agreement forms part of the charge-sheet which prima facie shows that premises where illicit liquor was prepared is let out by the applicant to the co-accused. Merely on this ground, involvement of the applicant cannot be assumed in the crime. Except

for the fact that applicant is the owner of the said premises, prima facie, there is no evidence to connect him with the preparation of illicit liquor. Nothing is to be recovered at his instance. Learned APP submits that since 2021 the applicant is absconding. However, in order to support her submission, there is absolutely no material placed on record. This infact indicates that the Investigating Officer is not interested in securing his custody. In view of above discussion, application is allowed. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 0303/2021 registered with Deopur West Police Station, Dist. Dhule, for the offences punishable under Sections 328, 120-B, 420, 485, 486, 487 of Indian Penal Code and under Sections 65(a), 65(b), 65(c), 65(e), 65(f) of Maharashtra Prohibition Act and Sections 76 and 79 of the Trade and Merchandise Act, 1958., he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.
- (iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb