

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1711 OF 2022

Vishal Pandurang Kalamkar

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. M.B. Sadanshiv, Advocate h/f Mr. Subhash S. Nade,
Advocate for the Applicant

Mr.V.S. Badakh,APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 09th JANUARY, 2023

ORDER :

1. The applicant claims to be a student. Offence at crime No. 0376 of 2022 under sections 285, 379 read with 34 of the Indian Penal Code, and sections 3, 7 of the Essential Commodities Act, and 65(e) of Maharashtra Prevention of Liquor Act, 1949 is registered against the applicant, wherein it is alleged that on secret informant received on 25/10/2022, police conducted a raid and the applicant was found purchasing diesel from the truck drivers on the Highway for selling it in black market. He was found illegally selling country liquor and foreign liquor in his hotel. Seeing raiding party, applicant fled away from the spot. 17 Liter diesel, 14 quarters of country liquor and 2 gas cylinders were seized during raid.

2. FIR is lodged by Police Naik Yashwant Bhanudas Thombre, Supa Police Station, which is registered at Crime No. 0376 of 2022 under section 3 and 7 of Essential Commodities Act, and sections 285, 379 read with 34 of the Indian Penal Code and section 65(e) of Maharashtra Prevention of Liquor Act.

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

4. Learned Additional Public Prosecutor strongly opposed the bail application contending that similar offence is registered against the applicant at Crime No.374 of 2022 on 20/10/2022 for offence punishable under sections 379, 285, read with 34 of the Indian Penal Code and sections 3 and 7 of Essential Commodities Act and section 65(e) of Maharashtra Prevention of Liquor Act. He was granted anticipatory bail in that crime on 05/12/2022, during the pendency of the present application. He, therefore, submits that the applicant is indulged in similar kind of offence.

5. Learned advocate for the applicant on the other had submits that, the applicant had applied for anticipatory bail in earlier crime, and he was granted anticipatory bail on

05/12/2022. He, submits that, while the applicant was absconding in earlier crime, the present crime is registered.

6. On going through the investigation papers, it appears that, recovery is already made by the investigating agency. The applicant claims to a student of 2nd year B.A. Except earlier crime, there are no other criminal antecedents against the applicant. Pre-trial custodial detention of the applicant, in the facts of the present case, is not warranted.

7. The apprehension expressed by learned Additional Public Prosecutor that the applicant would indulge in similar offence can be taken care of by imposing suitable conditions.

8. In the result, application is allowed by confirming the interim order.

9. Till filing of the charge-sheet, the applicant shall attend concerned police station on every Sunday between 10.00 a.m. to 12.00 noon and shall co-operate in the investigation. The applicant shall not indulge in similar kind offence. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane