

“This is an application under Section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.105 of 2022 registered with Bhadrakali Police Station, Nashik for offences punishable under Sections 65(a) and (e), 80, 81, 83, 90, 103 and 108 of the Maharashtra Prohibition Act.

2. The case of the prosecution is that on 10 May 2022, a Tempo bearing No. MH-48-T-1628 was intercepted on receipt of information that the said vehicle was carrying prohibited liquor. It is stated that liquor worth Rs.24,38,800/- has been seized. The Applicant is stated to be the owner of the said vehicle.

3. The liquor as well as the vehicle in which the liquor was allegedly transported has been seized. The offence is not grave and does not justify custodial interrogation.

4. Considering the above facts and circumstances, the Applicant is granted interim bail till the next date of hearing on following terms and conditions:

(a) In the event of arrest of the Applicant in C.R.No.105 of 2022 registered at Bhadrakali Police Station, he shall be released on bail on furnishing bail bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer;

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. Stand over to 8 December 2022.”

5. It appears that nothing is to be recovered at the instance of the applicant and therefore, his custodial interrogation is not necessary.

Considering the overall facts and circumstances of the case, the following order is passed :

- (i) The interim anticipatory bail granted by this Court by order dated 24 November 2022 is hereby confirmed.
- (iii) The applicant shall attend the Office of the State Excise Department as and when called by the investigating officer and shall co-operate in the investigation.
- (ii) The Application is disposed of.

(N.R. BORKAR, J.)

KANCHAN
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