

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2982 OF 2023

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SUBHASH
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Sunil Premnath Mehta
...Applicant
Versus
The State of Maharashtra
...Respondent

Mr. Niranjan Mundargi, i/b Omneel Jadahv, for the
Applicant.
Mr. M. G. Patil, APP for the State/Respondent.

**CORAM: N. J. JAMADAR, J.
DATED: 27th OCTOBER, 2023**

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.335 of 2023, registered with the State Excise Department, Thane, for the offences punishable under Sections 65(a)(e), 81, 83 and 90 of the Maharashtra Prohibition Act, 1949.
3. Pursuant to an intimation co-accused Uttampuri Babupuri Goswami was apprehended with foreign liquor without licence. It further transpired that the co-accused was purchasing the foreign liquor online and delivering the

same to purchasers. The applicant was one of those purchasers. Thus, a raid was conducted at the flat of the applicant and 160 bottles of foreign scotch, liquor, vodka and gin and Indian made foreign liquor were found.

4. Apprehending arrest, the applicant approached the Court of Session. By an order dated 18th October, 2023 the learned Additional Sessions Judge declined to exercise the discretion in favour of the applicant.

5. The learned Counsel for the applicant submitted that the applicant has a licence to hold and consume Indian and foreign liquor. The applicant had purchased the bottles of foreign liquor while travelling abroad. The custodial interrogation of the applicant is not warranted as the bottles of liquor have already seized.

6. The learned APP submitted that the applicant had not cooperated with the investigation and did not report to the police when notice under Section 41A was issued. Having regard to the number of bottles found in the possession of the applicant custodial interrogation is warranted.

7. Evidently, the incriminating articles are seized. The applicant appears to have roots in the society. To facilitate

further investigation custodial interrogation of the applicant does not seem to be warranted. The grievance of the learned APP that the applicant did not appear before the Investigating Officer and cooperate with the investigation can be taken care of by imposing conditions.

8. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.335 of 2023, registered with the State Excise Department, Thane, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend State Excise Department, Thane, Police Station on 2nd 3rd and 4th November, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the persons acquainted with the facts of the case.

- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (v) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]