

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

ANTICIPATORY BAIL APPLICATION NO. 3053 OF 2023

SANTOSH
SUBHASH
KULKARNI

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KULKARNI
Date: 2023.11.03
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H. Fakirayya Gaud

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Tushar Sonawane, a/w Pooja Satpute, i/b Prashant
Hagare, for the Applicant.

Mr. S. H. Yadav, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 31st 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.200 of 2023, registered with Excise Police Station, Daund Division, Pune, for the offences punishable under Sections 77, 78A and 82 of the Maharashtra Prohibition Act, 1949 and Sections 272 and 328 of the Indian Penal Code, 1860 ("the Penal Code").

3. On 24th August, 2023, the Excise Police had inspected the licenced outlet run by the applicant. Samples of the Tadi were collected and sealed. CA report revealed that the

samples contained chloro-hydrate. Hence, the first informant lodged the report.

4. The learned Counsel for the applicant submitted that the applicant runs a licensed outlet. He was not found in possession of the illicit Tadi. The custodial interrogation of the applicant is not warranted to facilitate further investigation. The learned Counsel for the applicant invited the attention of the Court to the order passed by this Court in ABA/2661/2021. In the said order this Court has noted that it was not the case of the prosecution that the manufacture and/or possession of the chlro-hydrate was either prohibited or illegal.

5. In the aforesaid view of the matter, I am persuaded to exercise the discretion in favour of the applicant.

6. Hence the following order:

: O R D E R :

(i) In the event of arrest of the applicant in CR No.200 of 2023, registered with Excise Police Station, Daund Division, Pune, 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 Excise Police Station, Daund Division, Pune, on 7th 8th and 9th 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 the first informant or any of the persons acquainted with the facts of the case.
- (iv) The applicants 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.]