



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3478 OF 2023**

Srichand Ramharak Prasad Kanojia ... Applicant
versus
The State of Maharashtra ... Respondent

Ms. Anjali R. Awasthi with Mr. Aamir Khan, for Applicant.
Ms. Ashwini Taklakar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 13 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.10/F/2023 registered with Inspector, F Division, State Excise Department, for the Offences punishable under Sections 65(a) and (e) of the Maharashtra Prohibition Act, 1949.
3. On 21 September 2023, the applicant was allegedly found in possession of 48 bottles of Scotch. The applicant was transporting those bottles valued at Rs.5,83,050/- in a car bearing Registration No.MH-02/EK-2221, of which the wife of the applicant is the registered owner.
4. Apprehending arrest, the applicant had initially approached Court of Session. Interim Protection was granted. By an order dated 4 December 2023, the learned Additional Sessions Judge, however, declined to exercise the discretion in

favour of the applicant.

5. Learned Counsel for the Applicant submitted that the contraband articles are already seized. Custodial interrogation of the applicant is not warranted to facilitate further investigation.

6. Learned APP resisted the prayer for pre-arrest bail.

7. Evidently, the applicant was allegedly apprehended with 48 bottles of Scotch. The incriminating articles seems to have been seized. Having regard to the nature of the accusation, custodial interrogation of the applicant is not warranted to facilitate further investigation.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Srichand Ramharak Prasad Kanojia in connection with C.R.No.10/F/2023 registered with State Excise Department, 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 co-operate with the investigation and report to the Inspector, State Excise Department on 20th and 21st December 2023 in between 10.00 a.m. to 1.00 p.m., 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 prosecution

witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(vi) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)