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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 ANTICIPATORY BAIL APPLICATION NO. 679 OF 2024

Bhavin Ramesh Kokani

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Sharma Krishna Anil

APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SHIVKUMAR DIGE, J.

DATED : 21st JUNE, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.133 of 2024 registered with Shahada Police Station, district Nandurbar, for the offence punishable under sections 65-E, 80, 83 and 108 of the Maharashtra Prohibition Act and under Sections 420, 468, 473, 328 of the Indian Penal Code (For short, "IPC").

2. It is the prosecution's case that on 31.1.2024, the police received a secret information that some liquor was carrying in one Innova car bearing registration No. MH-02-DS-2559. Accordingly, the police laid a trap and then found one Innova Car was going from Dongrgon Chauphuli to Shahada. The police tried to stop the said car. But the car driver stopped the car at some distance and ran away by taking advantage of darkness. In the search of car, the police found malt whiskey liquor and one mobile. Thereafter, the

police registered the offence.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in the crime. There is no materiel against the applicant to implicate in this case. Though it is alleged that the applicant is owner of the said car but one Kirankumar Dodiya has filed an application before the learned J.M.F.C. Shahada for release of the said vehicle stating that he is owner of the said vehicle. As the applicant has no concerned with the Innova car and the liquor found in it, the custodial interrogation of the applicant is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that said Innova car was used by fixing false and forged number plate. The said car is belonging to the applicant. The applicant has criminal antecedents. The said car was used for sale of spirituous liquor. The liquor found in the car was supposed to deliver to the applicant. In the statement of co-accused, he has stated that the applicant is owner of the said car and delivered the liquor to the applicant. The custodial interrogation of the applicant is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. Though it is alleged that the

applicant is owner of the car but no documents are produced on record alongwith the papers to show that the applicant is owner of the car, whereas one Mr. Kirankumar Dodiya has filed an application before the J.M.F.C. Shahada for release of the vehicle, stating that he is owner of the vehicle. Though it is alleged that the applicant has criminal antecedents, but in the present case, no material is produced on record to show that his custody is required. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with crime No.133 of 2024 registered with Shahada Police Station, district Nandurbar, for the offence punishable under sections 65-E, 80, 83 and 108 of the Maharashtra Prohibition Act and under Sections 420, 468, 473, 328 of the I.P.C., the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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