



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 ANTICIPATORY BAIL APPLICATION NO. 716 OF 2024

Sattar Mohan Thakare

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. A.R. Syed h/f Mr. S.P. Pandit

APP for Respondents: Mr. N.B. Patil

Shri Chhagan G. Chavan, P.S.I. (I.O.) is present in the court.

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CORAM : SHIVKUMAR DIGE, J.

DATED : 8th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.282 of 2024 registered with Shahada Police Station, district Nandurbar, for the offence punishable under sections 328, 420, 468, 473 of I.P.C. and under Sections 65(e), 80, 83 and 108 of Maharashtra Prohibition Act.

2. It is the prosecution's case that when the police personnel were on patrolling duty on Shahada-Dondaicha road in Samwidhan Chowk, they stopped one truck bearing No. MH-04-LQ 5962 and asked the driver what is in the truck. The driver replied that there is medicine and also shown the receipts which need to be delivered to Mahalaxmi Medical Shahada. In order to verify the same, the police phoned to the concerned medical proprietor and asked about it, he

replied that he never demanded any medicine from the supplier. The police personnel got doubt and therefore, decided to take search of the vehicle. They called panchas and in presence of panchas, they took search of the vehicle wherein they found 500 boxes of liquor amounting to Rs.33,60,000/- and police has seized the same articles alongwith the truck. The police arrested co-accused and lodged the complaint. In the investigation, it revealed that the said liquor was to be delivered to the applicant. In the investigation, it also revealed that the documents produced in respect of medicines are fake.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. There is no mention of the name of the applicant in the F.I.R. It is alleged that the said liquor was to be delivered to the applicant but there is no record in that regard available with the police. The mobile number from which the police alleged that there is conversation between the driver of the truck and the person to whom the said liquor was to be delivered, is not belonging to the applicant. 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 the liquor was carried in the truck with fake papers showing that some medicines

are going to be transported. The liquor was to be delivered to the applicant. The applicant has criminal antecedents. The liquor was more than worth Rs. 33,60,000/- 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. It is alleged that the liquor which was seized by the police was to be delivered to the applicant. The mobile on which conversation of the driver of the said truck with other person took place is not belonging to the applicant. There is no material produced on record to attribute the role of the applicant in the present crime. Considering these facts, the custodial interrogation of the applicant is not required. Hence 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.282 of 2024 registered with Shahada Police Station, district Nandurbar, for the offence punishable under sections 328, 420, 468, 473 of I.P.C. and under Sections 65(e), 80, 83 and 108 of Maharashtra Prohibition Act, 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 condition :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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