



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 ANTICIPATORY BAIL APPLICATION NO. 833 OF 2024

Rekhabai Rajendra Vasave

VERSUS

The State of Maharashtra and another

Advocate for Applicant : Ms. Rutija Jakhade h/f Mr. S.A.
Kulkarni

APP for Respondents: Mr. R.B. Dhaware

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CORAM : SHIVKUMAR DIGE, J.
DATED : 25th JUNE, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 147 of 2024 registered with Akkalkuva Police Station, district Nandurbar, for the offence punishable under sections 65(E) and 108 of the Maharashtra Prohibition Act.

2. It is the prosecution's case that the applicant is having licence of a Beer shop. The police have intercepted one vehicle bearing registration No. MH-39-AD-1855 and they found some beer boxes in the said vehicle. There was difference between the number of boxes kept in the vehicle and the number of boxes mentioned in the receipts. It is alleged that the said Beer boxes had brought to deliver at the Beer shop of the applicant.

3. It is the contention of the learned counsel for the applicant that the applicant is authorized licence holder for running the Beer shop. The applicant was not present when the vehicle was intercepted by the police. The custodial interrogation of the applicant is not required. Hence she requested to allow the application.

4. It is the contention of the learned APP that all Beer boxes were brought to deliver at the shop of the applicant. There was difference in the beer boxes mentioned in the bill receipts and the boxes kept in the vehicle. 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. When the police intercepted the vehicle, the applicant was not present at the spot of incident. Though the Beer boxes were carried to deliver at the shop of the applicant but the applicant cannot be held responsible. For the difference between the beer boxes kept in the vehicle and the boxes mentioned in the receipts, the police have arrested the driver of the pick up van in which beer boxes were carrying out. Considering this fact, 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. 147 of 2024 registered with Akkalkuva Police Station, district Nandurbar, for the offence punishable under sections 65(E) and 108 of the 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 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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