



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

951 ANTICIPATORY BAIL APPLICATION NO. 845 OF 2024

Gorakh Bhimrao Gadri

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Police Inspector

..RESPONDENTS

Advocate for Applicant : Mr. Chaitanya Chandrakant Deshpande
APP for Respondent/State: Ms.V.S. Chaudhari

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 4th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.69 of 2011 registered with Songir Police Station, for the offence punishable under sections 328, 420, 468, 486, 488 of the Indian Penal Code (For short, "IPC") and sections 65(a)(b)(c)(f), 67, 83, 86 of the Maharashtra Prohibition Act, 1949.
2. It is prosecution's case that on 24th August, 2011, the police received secret information and on the basis of the same, the police effected raid and they found spurious liquor in one truck. Driver of it was co-accused Gulab Shinde. Real number of the truck was concealed by putting the number plate of false number as MH-18/M-8508. In the course of investigation, it revealed that the applicant is involved in the said crime and he is owner of the said truck, in which spurious liquor was seized.

3. It is contention of learned counsel for the applicant that the applicant has been falsely implicated in this case. The truck from which spurious liquor is seized is in possession of the police, yet the applicant has not filed application for release of the said truck. Charge-sheet has been filed. In the charge-sheet the police has not produced any documents showing ownership of the applicant. The learned counsel further submitted that custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is contention of learned APP that the applicant is owner of the truck from which spurious liquor is found. Custodial interrogation of the applicant is required. He is absconding since registration of the F.I.R., hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. Offence is registered on 24th August, 2011. Though it is alleged that the applicant is owner of the truck, the truck is seized by the police and the applicant has not filed application for release of the truck since last 13 years. The charge-sheet against the co-accused has been filed. In the charge-sheet, the police has not produced any documents showing the ownership of the truck. Considering these aspects, 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 FIR No.69 of 2011 registered with Songir Police Station, for the offence punishable under sections 328, 420, 468, 486, 488 of the Indian Penal Code (For short, "IPC") and sections 65(a)(b)(c)(f), 67, 83, 86 of the Maharashtra Prohibition Act, 1949, the applicant be released on executing personal bond in the sum of Rs.20,000/- 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.]

sga