



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

1003 ANTICIPATORY BAIL APPLICATION NO. 1224 OF 2024

DIPAK SHANKAR KAPURE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ghodke Siddhesh Subhashrao
APP for Respondent/State : Ms. R.P. Gaur

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 31st July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0203 of 2024 registered with West Deopur Police Station, Dist. Dhule, for the offences punishable under section 328 of the Indian Penal Code (For short, "IPC") and sections 65(e) and 83 of the Maharashtra Prohibition Act, 1949.

2. It is the prosecution's case that on 16th June, 2024, the informant Police Constable Nilesh Potdar lodged the F.I.R. that on 15th June, 2024, the Police Inspector Shri Shriram Pawar received secret information that huge quantity of Marijuana and spurious liquor is stored for sale in a cow shed at Indiranagar Bhilati near house of the applicant. Accordingly, the police conducted raid at the said place and in the said raid police seized 230 gunny bags of dry powder of cannabis worth Rs.13,80,000/-, 48 bottles containing 180 ml each Imperial Blue Whiskey and other liquor bottles. It is alleged that the applicant along with co-accused was preparing spurious liquor in the

house and the said house was standing in the name of the applicant.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The said house was standing in the name of mother of the applicant and it was given on rent basis to co-accused. The applicant's name is roped in this crime on the basis of the statement of co-accused. Co-accused has been arrested from the incident spot along with the liquor bottles. The applicant was not present at the time of crime. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that the contraband articles amounting more than Rs.13,00,000/- and spurious liquor was found in the house of the applicant. The applicant is owner of the house. Earlier two offences have been registered against the applicant. He has criminal antecedents. Considering the allegations against the applicant, his custodial interrogation is required to know from where he had brought the said liquor and 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. It is contention of the learned counsel for the applicant that earlier three offences were registered against the applicant. Out of three offences in one offence, the applicant has been discharged from the said offence and other offences are of Gambling Act. In the present

case, the allegations against the applicant are that the police seized the contraband articles from the house of the applicant. It appears that co-accused had been found with spurious liquor and in the statement of the co-accused he has stated the name of the applicant. Considering the allegations against the applicant, his custodial interrogation is not necessary as the police has seized all articles from the house and 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.0203 of 2024 registered with West Deopur Police Station, Dist. Dhule, for the offences punishable under section 328 of the Indian Penal Code and sections 65(e) and 83 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 twice in a week and as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]