



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1350 OF 2023

Ramesh Pechara Padvi

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....
Ms. Rutuja L. Jakhade, Advocate for the applicant
Mr. S. B. Jadhav, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.43 of 2023 registered with Excise Department, Taluka – Shahada, District - Nandurbar for offence punishable under section 65 (A) (E), 80, 81, 98 (2) of the Maharashtra Prohibition Act.
2. On receipt of information, a vehicle transporting liquor worth Rs.9,60,000/- was intercepted and as liquor prohibited for sale in Maharashtra was being illegally transported, the same was seized. During the course of investigation, driver of the said vehicle disclosed name of applicant being the consignee.
3. Heard learned Advocate for applicant and the learned APP

for the State. Perused the papers of investigation.

4. Learned advocate for applicant submits that name of the applicant is disclosed by co-accused during investigation and it is settled legal position that, statement of co-accused is inadmissible in evidence therefore, applicant may be granted anticipatory bail. She further submits that the Muddemal property is already seized, so also the vehicle and therefore, custody of the applicant is not necessary in the present crime.

5. Learned APP, on the other hand, by relying on the papers of investigation, submits that there is sufficient material on record to show involvement of applicant in the present crime. He submits that one more offence is registered against the applicant and, therefore, applicant is not entitled for anticipatory bail.

6. It appears from the record that applicant is consignee of the prohibited liquor, which was illegally being transported and applicant was piloting the said vehicle. Though the vehicle and liquor is seized by police, involvement of applicant in the present crime is revealed during the course of investigation. Police have obtained CDR which shows that at the time of seizure of prohibited liquor and the vehicle illegally transporting the same was intercepted, applicant was in constant contact with the

driver of the said vehicle and he was tracking the consignment.

7. It is transpired during the investigation that applicant is also involved in illegal transportation of prohibited liquor, for which Crime No. 33 of 2023 is registered against him and Bolero pickup vehicle No. MH-39/C-7736, owned by applicant and prohibited liquor, which was being illegally transported in the same, is seized. In that crime also, applicant was piloting the Bolero vehicle, which was illegally transporting liquor, like in the present case.

8. Considering the complicity of applicant and his criminal antecedents, applicant does not deserve discretionary relief of anticipatory bail. Custodial interrogation of applicant is necessary for effective investigation. Application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE