



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 ANTICIPATORY BAIL APPLICATION NO. 1474 OF 2024

SONU SADBIRSINGH YADAV

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. C.C. Deshpande
APP for Respondents 1 & 2 : Mr. P.K. Lakhotiya

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 12, 2024

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondents/State.
2. The applicant is apprehending arrest in connection with Crime No. 166/2023 dated 21.6.2023 registered with Songir Police Station, District Dhule for the offences punishable under sections 65-A, 65-E and 83 of the Maharashtra Prohibition Act and under sections 465, 468, 471, 114 of the Indian Penal Code.
3. The case of the prosecution is that on the basis of secret information when the container containing liquor without license of Rs.20,38,600/- was intercepted by police, the driver and cleaner of the container ran away. The driver was later arrested. During investigation it reveals that the applicant was the owner of the said vehicle and the vehicle was being plied with false number. Hence, the case was filed against the applicant for aforesaid offences.
4. This Court by order dated 28.8.2024 has granted interim protection to the applicant. Today the learned APP relying upon the police papers has

strongly opposed the application by submitting that the driver of the vehicle being arrested has given the name of the applicant and stated before the police that the applicant was in touch with him. The learned APP also submits that one similar offence is registered against the applicant at Surat. The learned APP submits that the prosecution has substantial evidence to show that vehicle belongs to National Speed Cargo. The chasis number and the engine number of the vehicle reveals the ownership of the truck being owned by National Speed Cargo which in turn is owned by the applicant. It is stated by the APP that the applicant has made payment for diesel of the abovemention truck on 21.6.2023 through UPI and the driver is identified by the petrol pump staff and the driver has been arrested. The learned APP therefore submits that custodial interrogation of the applicant is necessary.

5. The learned counsel for the applicant submits that the applicant is not the owner of the vehicle and the National Speed Cargo and there is nothing on the record to show that he is the owner of National Speed Cargo. The learned counsel submits that considering the case in favour of the applicant, this Court vide order dated 28.8.2024 has granted interim relief on certain conditions. The learned counsel therefore prays for confirming the interim relief granted earlier.

6. Considering the fact situation, prima facie the applicant is involved in the crime. He has anticidents. The offence is serious with elaborate planning and camouflaging of ownership of the truck. Thus, I hold that custodial interrogation of the applicant is necessary. Hence, the application is rejected.

7. The learned counsel for the applicant, at this stage, prays for

continuation of interim relief granted by this Court on 28.8.2024 for the period of four weeks so as to enable the applicant to move before the Hon'ble Supreme Court. However, the said request is also rejected.

8. It is clarified that the observations made in this order are prima facie observations and are limited only to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

(ARUN R. PEDNEKER, J.)

ssc/