

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 220 OF 2024

Sudhakar Manik Gunde

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Sujit B. Shelar a/w. Harshad P. Bavkar for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 25 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.380 of 2023 registered with State Excise Police Station, Kolhapur, under Sections 65 (a), (b), (c), (d), (e), and (f), 81, 83, 90, 103 of the Maharashtra Prohibition Act, 1949 and under Section 328 of the IPC.

2. Heard Mr. Sujit Shelar, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. was lodged on 04.11.2023 by the Constable

Rajendra Koli. The Investigating Agency received an information on 4.11.2023, that process of manufacturing illicit liquor was going on in some houses in village Padali. The Investigating Agency had conducted a raid. One car was seized which was used by one Parshram Kesarkar. Some plastic cans containing spirit were seized. There were boxes having some labels and some illicit liquor was found. On this basis, the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the applicant is apprehending his arrest on the allegations that the applicant had supplied the bottles which were found at the spot and which were used by the main accused Parsharam Kesarkar for filling them with illicit liquor. He submitted that, he does not own factory where those plastic bottles were manufactured. The applicant is only a supervisor in the factory. It is owned by one Vichare and on his say the plastic bottles were sold to the purchasers. The said Kesarkar was like any other purchaser. The applicant did not know anything about him.

5. Learned APP, on instructions, submitted that the

allegations against the applicant are that the plastic bottles were supplied by him and, therefore, he was aware of the offence. But there is no direct nexus with the actual manufacturing of illicit liquor. The investigation has not revealed anything further than that.

6. I have considered these submissions. At this stage, the investigating agency does not have any definite material against the present applicant. It is not the case of the investigating agency that the applicant was any way concerned with manufacturing of illicit liquor itself. There is nothing to show that, he owned the factory where the plastic bottles were manufactured. The bottles were sold to the main accused Kesarkar like any other purchaser. That by itself does not indicate that the applicant had taken any part in the actual offence or was aware as to what was the purpose for which the bottles were purchased. There is nothing to show that he owned the factory. Considering all these vague allegations against the applicant, he deserves protection of anticipatory bail. It would be sufficient if he co-operates with the investigation.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.380 of 2023 registered with State Excise Police Station, Kolhapur, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)