

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

ANTICIPATORY BAIL APPLICATION NO.1102 OF 2024

Vishal Kumar Singh	Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Prashant V. Malik, Advocate a/w. Vijay Chauhan for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.111/2023 dated 19.12.2023 registered with the Excise Department-2, Sewri, Mumbai under Sections 65(a)(e), 83, 90, 98, 103 of the Maharashtra Prohibition Act.

2. Heard Mr. Prashant Malik, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The FIR is lodged by the Constable Vinod Ahire. He has stated that Inspector Prakash Kale received an information

that a place called M/s. Manoj Transport, Godown No.46, Solapur Street, Dana Bandar, Mumbai, was the godown in which the foreign liquor in large quantity was stored. The investigating agency conducted a raid. They found foreign liquor bottles kept in boxes. One Naresh Revani was found there. He was asked about further information regarding more stock in the two containers. The investigating agency came to know that those containers were parked at MBPT parking, Wadibundar. Out of those containers one container had large stock of foreign liquor. All these bottles were seized. The seized goods were worth Rs.1,01,60,935/-. The cartons were having mark "APS". The investigating agency's case is that APS stands for Anand Parcel Services.

4. Learned counsel for the Applicant submitted that Anand Parcel Services is a courier service. He has no connection with the main offence of transporting the liquor bottles from Delhi to Mumbai. He was only assigned the job of courier service in respect of those parcels. He has not committed any offence. He has cooperated with the investigation. He relied on the order dated 16.1.2024 passed in A.B.A. No.113/2024 in the case of

Manojkumar Singh Vs. State of Mahartashtra. Said Manojkumar Singh was one of the co-accused who is granted ad-interim relief vide that order.

5. Learned APP opposed these submissions. According to her, the Applicant is not acting as a mere courier service provider but he was the main offender. She submitted that the other accused Vinaykumar Pande and Anujkumar Singh were arrested in this connection. Both of them have stated that the entire operation was carried out by the present Applicant, who was owner of APS Company. The statement of Anujkumar also mentions that the present Applicant was knowing the entire operation.

6. I have considered these submissions. The co-accused Manojkumar Singh is protected by ad-interim order. The Applicant will have to justify his claim that he merely acted as a courier service and beyond that he had not role to play. Learned APP has submitted that the Applicant has not cooperated with the investigation. However, considering the order passed in the case of Manojkumar Singh, even the present Applicant can be protected by ad-interim relief with specific directions to attend

the concerned police station and to cooperate with the investigation. Both these Applications can be heard together.

Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No.111/2023 dated 19.12.2023 registered with the Excise Department-2, Sewri, Mumbai, till the next date, the Applicant be released on bail on his executing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) This order shall operate till 21.6.2024.
- (iii) The Applicant shall attend the office of the concerned investigating agency from 13.5.2024 to 17.5.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. He shall cooperate with the investigation.
- (iv) Stand over to 21.6.2024. To be listed along with A.B.A. No.113/2024.

(SARANG V. KOTWAL, J.)

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by
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