

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2062 OF 2024**

Sandip Bhaskar Gaikar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket Vagal for applicant.

Mr. Tanveer Khan, APP for respondent-State.

Mr. Anant G. Saraf, PSI, Excise Police Station, District Nashik.

**CORAM : MANISH PITALE, J.
DATE : 05th AUGUST, 2024**

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.126 of 2024 dated 26.05.2024 registered at Excise Police Station, District Nashik for offences under Sections 65(a)(e), 81, 82, 83, 90, 98 and 103 of the Maharashtra Prohibition Act, 1949.

3. It is alleged that when a truck was apprehended, it was found that the truck was carrying less number of boxes than the number of boxes mentioned in the challan. The boxes were containing beer bottles and cans. On the statement of the driver of the truck, the investigating authority was led to co-accused No.2 in whose godown, certain boxes of beer were found, which were alleged to be those that were missing from the truck. On the

statement of the said co-accused No.2 that the act of the boxes going missing was attributable to the applicant, the investigating authority arraigned the applicant also as an accused person.

4. The learned counsel for the applicant submits that other than the statements of the co-accused persons, there is nothing to connect the applicant with the incident in question. It is submitted that since the applicant is ready to co-operate with the investigation, this Court may allow the present application.

5. On the other hand, the learned APP submitted that the investigation is still ongoing and that the applicant has at least two such similar offences registered against him.

6. This Court is of the opinion that the applicant can be granted interim protection as he undertakes to co-operate with the investigation. He shall present himself before the investigating officer. In the meanwhile, the learned APP shall take specific instructions about the nature of offences registered against the applicant in the year 2023. The learned APP shall also take instructions as to whether any further material is available in the form of CDRs, etc. to link the applicant with the incident in question.

7. In the meanwhile, there shall be interim relief in the following terms:

(a) Till the next date, in the event the applicant is arrested in connection with FIR No.126 of 2024 dated 26.05.2024 registered at Excise Police Station, District Nashik, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial court;

- (b) the applicant shall appear before the investigating officer on 08.08.2024 and 09.08.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer;
- (c) the applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List the application for further consideration on 06.09.2024, High on Board.

(MANISH PITALE, J)

Priva Kamhli