

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2155 OF 2024**

Sachin Vitthal Kamthe	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Viksit Arora, i/b. Aniesh S. Jadhav for applicant (through video-conferencing).

Mr. R. M. Pethe, APP for respondent-State.

Mr. Chandrashekhar Vitthal Sawant, PI., Shivaji Nagar Police Station, District Pune City.

CORAM : MANISH PITALE, J.

DATE : 21st AUGUST, 2024

P.C. :

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

2. The applicant has approached this Court as he is apprehending arrest in connection with FIR No.0162 of 2024 dated 24.06.2024 registered at Shivaji Nagar Police Station, District Pune City for offences under Sections 65(a), 65(e), 65(d), 77, 79, 82 and 83 of the Bombay Liquor Prohibition Act, 1949; Sections 33(w) and 131 of the Maharashtra Police Act, 1951; Section 188 of the Indian Penal Code, 1860 and Sections 4 and 21 of the Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. This Court is informed that subsequently, offences under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) were also added.

3. The learned counsel for the applicant submits that the FIR was registered in the context of a party said to have been organized in a premises, wherein initially allegations were only about consumption of alcohol and cigarettes and later on, offences under the provisions of NDPS Act were added. It is submitted that the applicant has no role to play in the present case, as he is merely the owner of the premises given on rent by registered leave and license agreement to a partnership firm, of which one of the co-accused persons is a partner. It is submitted that the co-owner of the premise i.e. the brother of the applicant is already granted regular bail.

4. The learned APP submitted that the contraband substance was recovered from the second floor of the building in which the premises belonging to the applicant is located. In other words, the contraband substance was not recovered from the premises of which the applicant is the owner. He is arraigned as a accused in the light of the fact that he is one of the owners of the premises.

5. This Court is of the opinion that considering the nature of allegations made in the present case and the fact that the applicant is merely the owner of the premises, wherein the alleged incident is said to have taken place, coupled with the fact that the allegations pertaining to offences under the NDPS Act, *prima facie*, have no concern with the premises owned by the applicant, sufficient ground is made out for granting anticipatory bail.

6. Copy of the registered leave and license agreement is annexed to the application. The applicant was receiving license fee of ₹ 3.5 lakhs per month from the partnership firm, which was the licensee. The co-accused Ravi Maheshwari is shown as the authorized signatory on behalf of the said

partnership firm. The documents on record indeed show that the applicant is merely the owner of the premises, where the alleged incident is said to have taken place. Sufficient grounds are made out for allowing the present application.

7. In view of the above, the application is allowed in the following terms:
 - (i) In the event the applicant is arrested in connection with FIR No.0162 of 2024 dated 24.06.2024 registered at Shivaji Nagar Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
 - (ii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;
 - (iii) the applicant shall co-operate with the investigation and also in the proceedings before the trial court.
8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.
9. It is also clarified that the observations made in this order are limited 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.
10. The application stands disposed of.

(MANISH PITALE, J)