

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

ANTICIPATORY BAIL APPLICATION NO. 3412 OF 2024

Karan Chhaganlal Jain	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Pritam P. Runwal a/w Anil B. Chopade for the Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
Mr. Pravin R. Mandlik, S.I., State Excise Department, Yeola
Division-1, Yeola, Nashik.

**CORAM: MANISH PITALE, J.
DATE : 16th DECEMBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR bearing Prohibition Crime No.231 of 2024 dated 26th October 2024, for offences under Sections 65(a), (e), 81, 83 and 90 of the Maharashtra Prohibition Act and Section 123 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The FIR in the present case was registered on the basis that a truck was found to be transporting spurious liquor. According to the Investigating Agency, when information was received that such spurious liquor was being transported in the truck, it was apprehended, but the driver fled away in a car that was following the truck.

4. The applicant is not named in the FIR, but he is linked with the offence in question, as the truck in which such spurious liquor was being transported, is registered in his name.

5. At the outset, the learned counsel for the applicant referred to an order dated 29th November 2024 passed by this Court in Anticipatory Bail Application No. 3177 of 2024 (*Vijay Nimba Devare v/s. State of Maharashtra & Anr.*), wherein this Court granted interim relief to a co-accused person and the application is now listed for further consideration on 13th January 2025. It was brought to the notice of this Court that the allegation against the applicant therein was that certain documents found in the truck, including invoices issued by an entity with whom the applicant therein was concerned, indicated his involvement.

6. It is submitted that the only reason why the Sessions Court has rejected the application of the applicant is that the truck is registered in his name. It is submitted that the driver of the truck had informed the applicant that wheat was being transported in the truck and the applicant had nothing to do with the alleged spurious liquor being transported. It is submitted that the applicant is ready to cooperate with the investigation and therefore, this Court may consider granting relief.

7. On the other hand, the learned APP submitted that apart from the truck being registered in the name of the applicant, investigation has revealed that the car in which the driver is said to

have fled away, is registered in the name of the applicant's brother, who is also now arraigned as an accused. It is submitted that the aforesaid material is enough to link the applicant with the incident in question and therefore, this Court may not show any indulgence.

8. Having considered the rival submissions, this Court is of the opinion that while the application can be kept pending, interim relief can be granted in favour of the applicant, for the reason that presently, the only material against the applicant appears to be that the truck, in which the spurious liquor was being allegedly transported, is registered in his name. It is not alleged that the applicant was found at the spot of the incident and further material will have to be brought to the notice of this Court to show a direct link that is sought to be established between the spurious liquor and the applicant herein.

9. Since, one of the co-accused persons has been granted interim relief, it would be appropriate that the present application is also taken up along with the application of the co-accused person and interim relief is granted in the meanwhile.

10. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR bearing Prohibition Crime No.231 of 2024 dated 26th October 2024 registered at State Excise

Department, Yeola-1 Division, Tal. Yeola, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

- (b) The applicant shall remain present before the Investigating Officer on 18th December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.
- (c) 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.

11. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

12. List this application for further consideration on 13th January 2025 (High on Board), to be taken along with Anticipatory Bail Application No. 3177 of 2024.

MANISH PITALE, J.