



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.130 OF 2024

(Niraj s/o Damdev Mandalwar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.R. Vyas, Advocate for the applicant.
Mr. V.A. Thakare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 21, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.72/2024 registered at police station Gadchiroli, District Gadchiroli for the offence punishable under Sections 65(a), 83 and 98 of the Maharashtra Prohibition Act, 1949, the applicant approached to this Court for grant of anticipatory bail.

2. Learned Counsel for the applicant submitted that the applicant is apprehending the arrest at the hands of police in connection with the above crime, the applicant approached to the trial Court for grant of ad-interim protection but the said application was not considered and rejected. He submitted that as far as the allegations against the present applicant is concerned which is only to the extent that he has assisted the co-accused in loading the contraband articles in the vehicle. Considering the allegation his immediate custodial interrogation is not required. In view of that, he be protected by granting ad-interim anticipatory bail.

3. Learned Additional Public Prosecutor strongly opposed the application and submitted that considering the huge quantity seized by the investigating agency, his custodial interrogation is required and hence application deserves to be rejected.

4. Having heard learned Counsel for both the parties. Perused the recitals of the FIR. As far as the allegation against the present applicant is concerned, it is only to the extent that he has assisted the co-accused, who is the Manager and the owner of the vehicle wherein the contraband articles are seized, to load the said articles in the said vehicle. Thus, considering the allegation, his immediate custodial interrogation is not required. In view of that, he can be protected by granting ad-interim protection. Accordingly, I proceed to pass the following order:

(i) In the event of arrest, the applicant – Niraj s/o Damdev Mandalwar in connection with Crime No.72/2024 registered at police station Gadchiroli, District Gadchiroli for the offence punishable under Sections 65(a), 83 and 98 of the Maharashtra Prohibition Act, 1949, be released on ad-interim anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(ii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m. for the investigation purpose and shall cooperate with the investigating agency.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The learned trial Court shall dispose of the main application which is pending before it expeditiously.

6. The application is disposed of in the aforesaid terms.

(URMILA JOSHI-PHALKE, J.)

**Divya*