



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

CRIMINAL APPLICATION (ABA) NO.470 OF 2024

(Rahul s/o Shravan Golait Vs. The 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. M.A. Deo, Advocate for the applicant.
Mr. K.R. Lule, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 5, 2024

Apprehending the arrest at the hands of police in connection with Crime No.142/2024, registered with Police Station Chamorshi, District Gadchiroli for the offences punishable under Sections 65(a), 98 and 83 of the Maharashtra Prohibition Act, 1949, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that crime is registered on the basis of report lodged by the complainant, who is a Police Officer, who received a secret information that the Scorpio Car bearing No.MH-31-CP-3826 contained illicit liquor bottles. On receiving the said information, the vehicle was intercepted and the said vehicle was found parked at one place. No one was present at the spot, the police have seized the entire muddemal from the said Car. As far as the present applicant is concerned, he is neither owner nor driver of the said vehicle. Thus, there is no material to connect the present applicant with the alleged offence. As far as the custodial interrogation is concerned, which is not required as entire stock is already recovered, therefore, the

applicant be protected by confirming the ad-interim protection granted to him.

3. Learned APP strongly opposed the said application on the ground that there are similar nature of criminal antecedents against the present applicant. In view of that, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the investigating agency has not collected any document to show the connection of the present applicant with the vehicle intercepted. As far as criminal antecedents are concerned it is now well settled that merely because there are criminal antecedents, the liberty of the accused cannot be curtailed.

5. Considering that the investigation papers nowhere shows the connection of the present applicant with the vehicle which was intercepted as he is neither owner nor the driver of the said vehicle. The applicant has made out a case for grant of anticipatory bail. In view of that, the interim protection granted to the applicant deserves to be confirmed.

6. Hence, the application is allowed. The interim protection granted to the applicant vide order dated 02/07/2024 is hereby confirmed on the same terms and conditions.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)