



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.737 OF 2023

Sham Pandit Aade

Vs.

The State of Maharashtra, Through the State Excise Inspector, Excise
Department, Washim, District Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. R. Raut, Advocate for applicant.

Mr. A. R. Chutke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.79/2023 registered with Mangrulpir Police Station, District Washim for the offences punishable under Sections 65-A, 65-B, 65-C, 65-D, 65-E and Sections 81, 83, 103, 108 of the Maharashtra Prohibition Act, 1949 and Section 328 of the Indian Penal Code, the applicant approached this Court for pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Nivarutti Pralhadrao Tidke, who received the secret information that some persons are transporting the illicit liquor in the vehicle. Accordingly, he intercepted the vehicle and seized the illicit liquor worth of Rs.6,55,600/-. On the basis of said report, the Police have registered the crime against the co-accused

Nitesh Fulsing Rathod and Sawarsing Gorsing Jadhav. During the investigation, it reveals that the said illicit liquor was supplied by the present applicant.

3. Learned counsel for the applicant submitted that the involvement of the present applicant is only on the basis of the statement of the co-accused. There is no other material to show the involvement of the present applicant.

4. Learned APP strongly opposed the application on the ground that considering the said stock which is supplied by the present applicant, his custodial interrogation is required and prays for rejection of the application.

5. After hearing the learned counsel for the applicant and the recitals of the FIR, at this stage, there is no material to show that the present applicant has supplied the said stock to the co-accused. Moreover, the said stock is already seized by the Police. There are no criminal antecedents against the present applicant and custodial interrogation of the applicant is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed by imposing certain conditions. Accordingly, I proceed to pass the following order:

ORDER

(i) The application is allowed.

(ii) In the event of his arrest in connection with Crime No.79/2023 registered at Mangrulpir Police Station, District Washim for the offences punishable under Sections 65-A, 65-B, 65-C, 65-D, 65-E and Section 81, 83, 103, 108 of the Maharashtra Prohibition Act, 1949 Section 328 of the Indian Penal Code, the applicant **Sham Pandit Aade** be released on anticipatory bail on executing P.R. Bond in the sum of Rs. 20,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the concerned Police Station as and when required for investigation purpose.

(iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any witnesses who are acquainted with the facts of the case.

(URMILA JOSHI-PHALKE, J.)