



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

CRIMINAL APPLICATION (ABA) NO.795 OF 2023

(Kunal Keshav Raut 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.H. Rawlani, Advocate for the applicant.
Mr. N.H. Joshi, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 10, 2024.

Heard.

2. By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No.373/2023 registered with Police Station Excise, Nagpur for the offence punishable under Sections 65(a) (b)(c)(d)(e)(f), 81, 83 and 103 of the Maharashtra Prohibition Act.

3. Learned Counsel for the applicant submitted that the allegation against the present applicant is on the basis of report lodged by the Officers of the State Excise that on the basis of secret information, the raid was conducted on a flat situated at Wanjara, Nagpur have seized the illicit liquor. On the basis of said report, police have registered the offence. It is submitted by the learned Counsel that the flat is not owned by the present applicant but it is owned by his employer Vikrant Ramesh Naidu and the present applicant is not at all concerned with the

alleged offence. He further submitted that some stock was seized from the Car which is also not owned by the present applicant. Thus, merely because he is the employee of the other co-accused, he is implicated in the alleged offence. His custodial interrogation is not required.

4. Said application is strongly opposed by the State on the ground that the custodial interrogation of the present applicant is required as the co-accused fled away from the spot of incident and the investigation regarding the place from which they have procured this stock is to be carried out.

5. Having heard learned Counsel for the parties. Perused the recitals of the FIR. Admittedly, nothing is seized from the possession of the present applicant. The flat from which the stock is seized is also not owned by the present applicant. Thus, no *prima facie* case is made out against the present applicant. In view of that he can be protected by granting anticipatory bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Kunal Keshav Raut in connection with Crime No.373/2023 registered with Police Station Excise, Nagpur for the offence punishable under Sections 65(a) (b)(c)(d)(e)(f), 81, 83

and 103 of the Maharashtra Prohibition Act, be released on anticipatory bail on furnishing PR. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall furnish his cell phone number and address with address proof.

(v) 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.

(URMILA JOSHI-PHALKE, J.)

**Divya*