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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION NO. 1102 OF 2024

Vishal Kumar Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Prashant V. Malik, for the Applicant.

Ms. Gauri S. Rao, APP, for the Respondent – State.

Mr. Prashant Sawant, Sub-Inspector, State Excise Dept., Old Custom House present.

CORAM : ADVAIT M. SETHNA, J.

DATE : 6 OCTOBER 2025

P.C.:

1. The Applicant has filed the present application apprehending arrest in C.R. No.111 of 2023. The FIR is registered by Sewree Police Station for the alleged offences punishable under Sections 65(a)(e), 83, 90, 98 and 103 of the Maharashtra Prohibition Act, 1949.

2. Briefly, the case of the prosecution as per the FIR is that on 19 December 2023, the officers of the State Excise Dept. seized illegal stock of foreign liquor after carrying out search at M/s. Manoj Transport. It was subsequently found that such cartons of foreign liquor were having a mark of one APS courier company which is owned by the present Applicant. Further, it is alleged that the Applicant being the owner of the said courier company had transported these goods to one M/s. Manoj Transport and

thereby acted in contravention of law. In such circumstances, on the basis of the complaint of the Informant being the officer of State Excise Dept. the FIR was registered.

3. Heard the learned counsel for the parties and with their assistance, the Court has perused the record.

4. At the very outset, the parties draw attention of this Court to interim order dated 30 April 2024. By the said order, upon hearing the parties, the Court for reasons recorded in the said order has considered it fit and proper to grant interim protection in favour of the Applicant on the terms and conditions recorded in the said order. By subsequent orders, such protection has been extended from time to time, which fact is not disputed by the learned APP.

5. Pursuant to the interim order dated 30 April 2024 the learned APP on instructions would submit that the Applicant has complied with the terms and conditions set out in the order dated 30 April 2024. In this regard, he has attended the Police Station on the dates specified in the said order. She would thus submit on instructions that the Applicant has duly co-operated with the investigation. This would imply that the Applicant has joined the investigation. There is nothing adverse reported against the Applicant by the prosecution. His presence can be secured at the time of trial.

6. Considering the fact that the Applicant has cooperated with the

investigation and that there is no aggravating factor which would justify his detention, in the given factual complexion, a *prima facie* case is made out for the grant of anticipatory bail. Further, in my view, in the given facts, custodial interrogation of the Applicant would not be warranted, at this stage.

7. For the above reasons, in my view, interest of justice would be served by passing the following Order:-

ORDER

- (i) Interim order dated 30 April 2024 is confirmed.
- (ii) In the event of arrest of the Applicant in connection with C.R. No.111 of 2023 registered with Excise Department-2, Sewree Police Station for the offences punishable under Sections 65(a)(e), 83, 90, 98 and 103 of the Maharashtra Prohibition Act, 1949, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or more sureties in the like amount.
- (iii) The Applicant shall co-operate with the investigation and shall attend the concerned police station on every second and fourth Saturday at 11.30 AM until filing of the charge-sheet.
- (iv) The Applicant shall furnish details of residential address

and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.

- (v) The Applicant shall obtain appropriate orders of the competent Court before leaving the State of Maharashtra.
- (vi) The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer.
- (vii) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the complainant or any witness in any manner whatsoever.

8. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

9. The Anticipatory Bail Application is **Allowed/Disposed Of** in the above terms.

[ADVAIT M. SETHNA, J.]