

ABA No. 481/2022
Vangari Lalit Kumar -Vrs- State
CNR No. MHBU04001257-2022

Order below Exh.1
(Passed on 08/11/2022)

1. Apprehending the arrest in Crime No.265/2022 registered with Inspector State Exsice, Mumbai for the offence punishable under Sections of 65(A)(E) & 90 of The Maharashtra Prohibition Act, 1949. The present application is filed under section 438 of Cr.P.C. for seeking pre-arrest bail. Heard, learned Advocate for applicant/accused.

2. It is submitted on behalf of applicant/accused that a false offence is registered against him by making false allegations. He has no connection with the said offence. The flying squad of excise department has taken search of the Truck and found the prohibited article. Therefore, truck was seized. The driver was arrested. He disclosed the name of applicant as owner of the truck.

3. Further it is submitted that, the applicant has given the truck on rent to Tejram Ashok Sabu, r/o Bhilai. The truck is in control and possession of Tejram. He is managing all the affairs for transporting the goods for truck. These applicant is not responsible for the same. He was not having knowledge about the goods which were being a transported in the said truck. Therefore, he claims for his release on bail. He is ready to abide all the conditions hence, claimed for his release on pre-arrest bail.

4. By the side of prosecution, strong objection is raised by stating that in the said offence the proper investigation is required for which the accused is also needed. If he released on bail he may tamper the evidence. He may pressurize the witnesses. He being the owner directly involved in the said crime. Intentionally for carrying 900 sacks of cattle feed, the

transport bulity was issued, but actually 200 sacks were carried and for remaining portion in the truck . The prohibited articles of Rs.60,00,000/- were carried through the truck which is very huge quantity. For making such type of transportation , this applicant is having knowledge and therefore, he should be kept behind the bar.

5. On considering the submission and on perusal of case diary it is seen that charge-sheet is yet to be filed, investigation is in progress. Intentionally the bulity is issued for 900 sacks and by keeping only 200 sacks in the front side, the prohibited liquor bottle boxes worth Rs. 60,00,000/- Lakhs behind those sacks, the illegal transportation through the truck owned by present applicant was there at the time of actual checking by flying squad Mumbai, Excise Department. Therefore, in order to make proper investigation for the same and to get details about all such illegal transportation, the custodial interrogation is required. Though it is clear that, this applicant has executed Rent Agreement, he being owner is duty bound not to make any illegal transportation. The pre-arrest bail if granted, possibility of commission of like offence is there and in order to have proper investigation, physical presence of applicant is required before the investigating authority. Considering all these facts, it is not proper to release this applicant/accused on anticipatory bail hence, this order.

ORDER

- 1] The application is rejected.
- 2] Inform to concerned Excise Department accordingly.

Date : 08.11.2022

(P.S. Kale)
Addl. Sessions Judge,
Khamgaon, Dist. Buldana.