

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

CRIMINAL APPLICATION (ABA) NO. 50 OF 2016

(BABULAL MARAJI BHARSAKALE...VS..STATE OF MAH., THR. PSO, PS RAMNAGAR, CHANDRAPUR)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MARCH 07, 2016.

Heard Shri Ajnan De, advocate for the applicant,
 and Shri R.S. Nayak, A.P.P. for the non-applicant.

The applicant has filed this application under
 Section 438 of the Code of Criminal Procedure apprehending
 arrest in the crime registered against him for the offences
 punishable under Sections 65-B and 83 of the Maharashtra
 Prohibition Act.

The accusations against the applicant are that
 inspite of ban on sale of liquor in Chandrapur district, a huge
 stock of foreign and country liquor is found in the house of
 the applicant. The non-applicant has opposed the application
 and has pointed out that earlier five crimes had been
 registered against the applicant.

The learned advocate for the applicant has
 submitted that this Court has granted an interim protection
 on 2nd February, 2016 and the applicant has co-operated
 with the investigation and there is no adverse complaint
 against the applicant. It is submitted that co-accused Akshay
 Rajeshsingh Bais who is occupying the premises where the
 stock of liquor is found as tenant is granted regular bail by the

Sessions Court. It is submitted that in these facts, it cannot be said that the custody of the applicant is required by the Investigation Officer for further investigation. It is submitted that the applicant has been acquitted in four cases.

Relying on the judgment given in the case of *Siddharam Satlingappa Mhetre Vs. State of Maharashtra*, reported in **2011(1) SCC 694**, it is submitted that the present one is not an exceptional case where the arrest of applicant is imperative. It is prayed that the interim order passed by this Court on 2nd February, 2016 be confirmed.

Considering the fact that huge stock of liquor has been seized from the premises owned by the applicant, in spite of ban on sale of liquor in Chandrapur district and the registration of crimes earlier against the applicant, in my view, this is not a fit case for granting pre-arrest bail to the applicant.

The application is **dismissed**.

CRI.APPLN.(APPP) NO.106/2016.

In view of dismissal of the main application, the application for grant of time to file copies of the FIR and Say does not survive, hence, it is disposed of.

JUDGE