

FARAD CONTINUATION SHEET

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

Criminal Application (aba) No. 438 of 2016 WITH

Criminal Application (aba) No. 439 of 2016

Arif Badruddin Lalalni

v.

State of Maharashtra

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

Court's or Judge's orders

Mr. A.J. Mirza Advocate for the applicant in both the application.
Mr. A.M. Deshpande, APP, for the State in both the application.

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Coram : S.B. Shukre, J.

Date : 22nd JULY, 2016.

Heard learned counsel for the applicant and
learned APP for respondent/State in both the application.

Both these applications are strongly opposed by
the learned APP contending that the liquor seized in both the
cases is huge in quantity and the way it was stored itself
shows that this applicant is involved in the business of sale
of illicit liquor and, therefore, his custodial interrogation
would be necessary.

It is contended by the learned counsel for the
applicant that when the liquor was seized on two different
occasions, as mentioned in the Crime registered against the
applicant, this applicant was not present at the spot and he

has been falsely implicated only on the basis of the statement of co-accused.

My attention has been drawn to the secret information received by the Investigating Officer which, according to learned APP, holds a key to ascertain what really lies in this case. From this information, which has been reduced into writing, I find that the information does not specifically refer to the name of this applicant and it refers to the factory of the applicant as the place where illicit liquor was stored. It is also seen from the case diary that ultimately the liquor has been seized in the Crime No. relating to Criminal Application [ABA] No. 438/16 from a wash room adjacent to a tin shed situated adjoining the office room of the factory.

So far as Criminal Application [ABA] No. 439/16 is concerned, the liquor in question has been seized from a car belonging to the applicant, but at that time the applicant was not present there and the custody was with its driver.

So, whatever material is there, it only shows that the applicant could be implicated in these cases only on the basis of suspicion. There are no criminal antecedents against this applicant. He is a person who appears to be having roots in the society. The liquor in question has also been seized. With the nature of material that is available against this applicant and what has been stated just now, I do not think that this applicant could be denied the relief of anticipatory bail in both these crimes. Therefore, I am inclined to allow these applications. Hence, the order.

Both the criminal applications are allowed. Interim bail granted by this Court on 08.7.2016 in both the

applications is hereby confirmed on the same conditions.

Judge

/TA/

Certificate

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