

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

CRIMINAL APPLICATION (ABA) NO.610 OF 2016

(Girdhar @ Bablu s/o Baburao Sidam ..vs.. The State of Maharashtra, through PSO Rajura, District Chandrapur)

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

Court's or Judge's orders

Shri S.G. Karmarkar, Advocate for the applicant,
Shri V.P. Gangane, Addl.P.P. for the non-applicant.

CORAM : P.N. DESHMUKH, J.
DATED : 29-11-2016

Heard learned Counsel for the applicant and learned Additional Public Prosecutor for the non-applicant.

2. This application is filed for anticipatory bail by the accused involved in Crime No.383/2016 registered under Sections 65(e) and 83 of the Maharashtra Prohibition Act read with Section 188 of the Indian Penal Code. The learned Counsel for the applicant has submitted that involvement of the applicant is only on the basis of statement of co-accused Rajendra Dhurve from whose house contraband liquor consisting 96 bottles of 180 ml. each came to be seized and has submitted that the applicant is entitled for bail as there is no independent evidence except for statement of co-accused. It is further submitted that the applicant is regularly attending the Investigating Officer as directed by this Court and as such his custody is not required for

personal interrogation.

3. The learned Additional Public Prosecutor on the other hand has opposed the application and has submitted that apart from above evidence, involvement of the applicant is established from statement of one Papaiya Sidam, the neighbour who has stated that the applicant has stored two boxes containing country liquor in his house and extended threats to him not to disclose to anyone. Perusal of his statement further reveals that applicant has stored carton containing country liquor bottles in his house and that applicant used to store such contraband liquor in his house. The statement appears to have been in the form of his report, however, it appears that the no investigation is carried out on the strength of statement which is in the form of report lodged by neighbour Papaiya Sidam. On the contrary, the learned Counsel for the applicant makes a statement that there are no criminal antecedents of applicant and admittedly the co-accused Rejendra Dhurve is already released on bail by the Sessions Court.

5. In that view of the matter, interim protection granted to the applicant is liable to be confirmed. The application is thus allowed, however, by imposing

condition on the applicant to attend the Investigating Officer, if called, till filing of the charge-sheet.

JUDGE

adgokar