

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

CRIMINAL APPLICATION (ABA) NO.725 OF 2016
(Santosh Komarayya Jillawar vs. State of Maharashtra)

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

Shri A. Hazare, Advocate for applicant.
Shri V. Gangane, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : DECEMBER 02, 2016

Heard learned Counsel for the parties.

By this application, applicant, who is involved in Crime No. 806/2016 registered by Police Station, Chandrapur City, has sought pre-arrest bail for the offence punishable under Section 65(e) of Maharashtra Prohibition Act.

Shri Hazare, learned Counsel for applicant, submits that according to case of prosecution, recovery of contraband country liquor bottles was made from cartons, which were concealed behind the bushes at public place and as such, applicant in no manner can be connected with recovery of the said country liquor bottles by Police. It is further contended that applicant, even otherwise, was not found on the spot. However, applicant apprehends his arrest as according to secret information alleged to be received by Police, applicant's name is mentioned therein.

Shri Gangane, learned Additional Public Prosecutor has opposed the application on the ground that investigation is in progress and after registration of

present crime, applicant is also involved in Crime No.834/2016 registered on 4/11/2016 under the same provisions of Maharashtra Prohibition Act. It is contended that applicant is habitual in indulging in contravention of provisions of Maharashtra Prohibition Act. It is prayed that application may be rejected.

Perusal of first information report reveals that Police had received information from their informer about storage of country liquor bottles in Bhiwapur Ward, Chandrapur near Style Godown in bushes by applicant and co-accused Deepak Mahurkar. Except such information, applicant was not found on the spot and admittedly, spot is a public place. Similarly, applicant though found involved in Crime No. 834/2016 subsequently registered under the same provisions of Maharashtra Prohibition Act is released on bail by learned trial Court.

In that view of the matter, as name of applicant is revealed only in the information received by Police and since there is no other evidence establishing his involvement, interim bail granted by this Court on 1/11/2016 is liable to be confirmed on the same terms and conditions with a further direction to applicant to attend Investigating Officer, if called, till filing of charge-sheet. The criminal application is accordingly allowed.

JUDGE

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