

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

CRIMINAL APPLICATION (ABA) NO.771 OF 2016

(Vinod @ Papa s/o Janardhan Jadhao ..vs..State of Maharashtra, through PSO, PS 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.S. Dhengale, Advocate for applicant,
Shri A.V. Palshikar, Addl.P.P. for non-applicant.

CORAM : P.N. DESHMUKH, J.

DATED : 14-12-2016

Heard learned Counsel for both sides.

Shri S.S. Dhengale, learned Counsel for applicant has submitted that there is no direct involvement of applicant as the contraband liquor is otherwise found on the open space in the jungle.

From the First Information Report, it is found that based on information received by police, 850 bottles containing 180 ml. of contraband liquor therein were recovered from the road passing through jungle near to railway crossing. As per the contentions in the report, five persons were found at the time of raid near the spot who ran away. Out of them, two are stated to be identified including applicant and other one is arrested. The applicant's involvement in as such from the statement of co-accused.

Admittedly, the contraband liquor is found to be seized. Though according to the say of prosecution, the contraband liquor is belonging to applicant, learned Additional Public Prosecutor on specific query could not point out if anything is on record to substantiate said case.

In that view of the matter, application is liable to be allowed, however, as according to the say of prosecution similar offences are registered against applicant prior to present one under the Maharashtra Prohibition Act, application stands disposed of as per the order below.

Order

- (i) Interim protection granted to applicant by this Court by its order dated 28-11-2016 stands confirmed with direction to applicant to further attend Investigating Officer as and when called till filing of charge-sheet.
- (ii) Having considered the fact of registration of crimes under the Maharashtra Prohibition Act, it is ordered that in the event of applicant's involvement is further found in any of the offences registered under the Maharashtra Prohibition Act and Section 188 of the Indian Penal Code, applicant shall not be entitled for any relief in such further offences.

- (iii) Applicant shall produce proof of his residence to Investigation Officer and shall update the same in the event of change in future.

JUDGE

adgokar