

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

**CRIMINAL APPLICATION (BA) NO.1022 OF 2016**

(Punamdas Premdas Moon ..vs.. State of Maharashtra, through PSO, PS Ballarpur, District  
Chandrapur)

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

Court's or Judge's orders

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Shri S.V. Sirpurkar, Advocate for applicant,  
Shri H.R. Dhumale, Addl.P.P. for non-applicant.

**CORAM : P.N. DESHMUKH, J.**

**DATED : 13-12-2016**

Heard Shri S.V. Sirpurkar, learned Counsel for applicant and H.R. Dhumale, learned Additional Public Prosecutor for non-applicant.

Applicant involved in Crime No.758/2016 registered on 25-10-2016 by Ballarshah Police Station, District Chandrapur for offences punishable under Sections 65(e) of Maharashtra Prohibition Act and 188 of the Indian Penal Code, has applied for bail.

Learned Counsel for applicant has contended that though applicant is not present on the spot, as contraband liquor is already recovered and the applicant since is behind bar for more than one month, there is no purpose keeping him as such as there is no custodial interrogation of applicant any more required.

Learned Additional Public Prosecutor has opposed application as applicant is stated to be found present on the spot having criminal antecedent as one offence under Sections 353, 504 and 506 of the Indian Penal Code is registered against applicant.

Perusal of report reveals that based on information received police conducted raid. The information was involving applicant alongwith one female namely Vaishali Humne, who have indulged in transport of country liquor in vehicle No.MH-34/AM-2130. Based on information as such when the raid was carried out, applicant and co-accused Vaishali Humne were found unloading cartons containing country liquor from the vehicle and storing them in her house. It is noted that 200 bottles were as such unloaded from the vehicle and 400 bottles were found stored in the house of co-accused Vaishali Humne. On specific query put to learned Additional Public Prosecutor with regard to status of co-accused Vaishali Humne, it is submitted that as raid was conducted in the evening and there were no lady police officer members of raiding team, said co-accused was directed to attend police station on the next day morning, however, she is absconding. It is material to note that inspite of alleged information received by police involving involvement of one female accused, no necessary arrangement for having ladies police constable members in the raiding team appears to

have been made while the raid is carried out. In the event, co-accused Vaishali Humne, is found to have absconded. In the circumstances and as contraband liquor is already seized, though investigation is in progress, there appears no reason to have further custodial interrogation of applicant, who is arrested since prior to one month.

In the circumstances, application is allowed as per order below.

**Order**

- (i) Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.
- (ii) Applicant shall attend Investigating Officer as and when called till filing of charge-sheet.
- (ii) Applicant shall provide proof of his residence and shall update the same in the event of change in near future.

**JUDGE**