

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.3240 OF 2017**

Dattatraya Suryabhan Choudhari      **... Applicant**  
Age 40 years, Occu: Labourer,  
R/o Muthe Wadgaon, Tq.Shrirampur,  
Dist. Ahmednagar

**VERSUS**

The State of Maharashtra,      **... Respondent**  
Through the Police Inspector,  
Shrirampur Taluka Police Station,  
District Ahmednagar.

Mr. Rahul R. Karpe, Advocate for the applicant  
Mr. A. S. Shinde, APP for the State.

**CORAM      :      K. L. WADANE, J.**

**DATE      :      13th July, 2017**

**ORDER:**

1.      Heard Mr. Karpe, learned counsel for the applicant and Mr. Shinde, learned APP for the State.

2.      This application is filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No.III-35/2017, registered with Shrirampur Taluka Police Station, District Ahmednagar for the offence punishable under Section 65 (e) of the Bombay Prohibition Act.

3.      One Sambhaji Dere, Police Head Constable, attached to Shrirampur Taluka Police Station lodged a complaint stating that on 07.05.2017 Police personnels

have received secret information that a person Dattatraya Choudhari i.e. the applicant had brought foreign liquor bottles in the tin shed adjacent to his house. On receipt of said information, the police went to the spot at about 14.30. At that time, one person was there. By noticing the police, the said person ran away from the spot. After enquiry, it was revealed that the person ran away was Dattatraya Choudhari i.e. the present applicant. Police took search of the tin shed and found liquor bottles of various brands of Whiskey worth Rs.2,35,000/-. Those bottles were seized under the Panchanama and the first information report came to be lodged against the applicant and other unknown persons.

4. During the course of argument, Mr. Karpe, the learned counsel for the applicant submits that offence leveled against the applicant is punishable for three years, trible by the Judicial Magistrate, First Class. The learned APP opposed the application on the ground Muddemal i.e. samples of liquor are sent to Forensic Laboratory and its report is awaited. Furthermore, another accused persons are still absconding.

5. From the record, it appears that Muddmal i.e.

Bottles of foreign liquor i.e. Whisky were seized from the tin shed which is situated adjacent to the house of the applicant. Furthermore, the applicant was arrested and is behind Bars since 16.06.2017. He was available for custodial interrogation. Nothing is to be recovered from the applicant. Hence, considering the nature of accusation and extent of punishment, I am of the opinion that the applicant is entitled for bail. Hence following order:

O R D E R

- i. The applicant shall be released on bail on his furnishing personal bond of Rs.25,000/-(Rupees twenty five thousand) with one solvent surety of like amount.
  - ii. The applicant shall attend Shrirampur Taluka Police Station, District Ahmednagar once in a week i.e. on every Sunday between 10.00 a.m. to 2.00 p.m. till filing of the charge-sheet.
6. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC