

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (ABA) NO.5 OF 2017.

Rakesh Ramdhani Kaithal and anr.

..VS..

State of Mah.thr.Police Inspector, P.S.Ghuggus, Distt.Chandrapur.

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

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Mr.R.M.Tahaliyani, Adv. for the applicant.  
Mr.H.R.Dhumale, APP for the State.

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**CORAM :    P.N. DESHMUKH, J.**  
**DATE :    24<sup>th</sup> JANUARY, 2017.**

Heard learned counsel for the applicant and learned  
Additional Public Prosecutor for the State.

Perused the reply.    It appears to be the case of  
prosecution that based on information received on 16<sup>th</sup>  
December, 2016, a shop situated in WCL Complex at Ghuggus,  
Distt.Chandapur came to be raided where from 169 bottles  
containing 180 ml. each, 25 bottles containing 180 ml. each and  
100 bottles containing 90 ml. each country liquor came to be  
seized. It is the case of prosecution that when the raiding party  
arrived on the spot applicants ran away. It is specific case of  
applicants that except for their presence nearby the spot of  
incident when raid came to be carried out, there is no  
involvement of applicants.

Learned Additional Public Prosecutor, on instructions, makes a statement that admittedly shop where from contraband liquor came to be seized is not owned by either of the applicants. It therefore appears that merely because applicants were found present nearby the spot of incident, they are apprehending arrest in the present crime. It also appears to be the case of prosecution as according to its reply in para no.3 it is stated that after seeing the raiding party applicants ran away, which establishes their presence on the spot. With reference to case of prosecution as aforesaid, in fact, applicants are not disputing their presence on the spot, however, claim their innocence in the present crime having no knowledge of any such contraband seized from the alleged shop. Moreover, while interim protection was granted, the applicants had attended Investigating Officer as per direction of this Court.

In that view of the matter, interim protection granted to applicants by this Court vide order dated 30<sup>th</sup> December, 2016 is liable to be confirmed. Accordingly, interim relief granted by this Court on 30<sup>th</sup> December, 2016 stands confirmed on same terms and conditions with further direction to applicants to attend the Investigation Officer, if called, till filing of charge-sheet.

JUDGE

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