

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

CRIMINAL APPLICATION (ABA) NO.59 OF 2017
(Rajesh s/o Gangaram Gumalwar 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 S.S. Dhengale, Advocate for applicant.
Shri S.A. Ashirgade, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 10, 2017

This is an application for anticipatory bail in
Crime No.629/2016 registered for the offence
punishable under Section 65(e) of the Maharashtra
Prohibition Act.

Shri Dhengale, learned Counsel for
applicant, submits that applicant is falsely involved and
no contraband liquor bottles are seized from his
possession or from his house, but are seized from open
space near well in front of his house and, therefore,
application be allowed.

Shri Ashirgade, learned Additional Public
Prosecutor does not dispute the fact of recovery of
contraband liquor bottle from open space. However, he
has contended that applicant was involved in similar
offences earlier, which are of 2015 and 2016, registered
by Rajura Police Station and since applicant has
committed present crime while on bail, he would indulge
in similar crime, if application is allowed.

Perusal of report reveals that 9 bottles of

contraband liquor came to be seized near well situated in front of house of applicant. Applicant's involvement is based on statement of persons residing nearby to the effect that person ran away on seeing Police was applicant.

Considering involvement of applicant as aforesaid and since contraband liquor is seized from open space near well in front of house of applicant, application is liable to be allowed as per order below :

Interim order dated 2/2/2017 passed by this Court stands confirmed on the same terms and conditions. Applicant shall not reside within the territorial jurisdiction of Rajura Police Station except for attending Investigating Officer, if called, till filing of charge-sheet.

The criminal application is accordingly allowed.

JUDGE

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