

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

CRIMINAL APPLICATION (BA) NO.107 OF 2017

Manohar s/o Wamanrao Matte

..VS..

The State of Maharashtra, through Police Station Officer, Police Station
Ramnagar, District Chandrapur

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

Court's or Judge's Order

Shri S.V. Sirpurkar, Counsel for the applicant.
Shri Damle, Addl.P.P. for the non-applicant

CORAM : P.N. DESHMUKH, J.
DATED : FEBRUARY 22, 2017.

This is an application by accused involved in
Crime No.78 of 2017 registered for the offences
punishable under Sections 65A and 83 of the Bombay
Prohibition Act read with Section 188 of the Indian
Penal Code.

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

It is the case of applicant that he had asked
for lift from Ghuggus to Chandrapur in a vehicle bearing
Registration No.MH-33-A/8555 and when he was
proceedings in it, said vehicle came to be intercepted
and on obtaining search, country liquor worth
Rs.7,800/- and came to be recovered from it. It is the

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specific case of applicant that since he is not owner nor was driving the vehicle, but was simply found in occupation of the same in above capacity, application be allowed as there is nothing to establish involvement of applicant in the present crime.

Learned Additional Public Prosecutor has opposed the application as per its reply on record and has contended that applicant was aware of said vehicle having used for transport of contraband liquor and as such has contended that application be rejected.

Perusal of report reveals that on information, above numbered car came to be intercepted by police and on obtaining its search, forty-eight bottles containing 90Ml. of liquor therein approximately valued for Rs.7,200/- are seized along with the car. Admittedly, applicant is neither owner nor driver of the vehicle.

In that view of the matter, *prima facie* it is found that applicant was travelling as a gratuitous passenger.

In view of above, though investigation is in progress, application is liable to be allowed as there is no purpose in keeping applicant behind bars as he is in jail since 9.1.2017. Hence, the following order:

Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- with one

surety in the like amount.

While on bail, applicant shall visit Ramnagar Police Station, District Chandrapur as and when called, till filing of the charge-sheet.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 23/2/2017

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