

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

CRIMINAL APPLICATION (ABA) NO.70 OF 2017

Praful Shivdasan Shahu and anr

..VS..

State of Maharashtra, through P.S.O., P.S. 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 Mir Nagman Ali, Counsel for the applicants.
Shri A.V. Palshikar, Addl.P.P. for the State.

CORAM : P.N. DESHMUKH, J.
DATED : MARCH 8, 2017.

This application is filed for anticipatory bail by accused involved in Crime No.129 of 2017 registered for the offences punishable under Sections 65(a) and 83 of the Maharashtra Prohibition Act, 1949.

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

It is the case of prosecution that when police were on patrolling duty, based on information received involving co-accused Bhagirathi Thakur and applicant No.1 to transport contraband liquor in a vehicle proceeding from Ghuggus to Chandrapur, trap came to be laid where one black coloured two wheeler came to be intercepted, occupied by two persons, which

was driven by Bhagirathi who came to be arrested on the spot while other occupant of said vehicle, who as per statement of Bhagirathi, was applicant No.1 Praful Shahu, ran away. From the bag found, carried on this vehicle, 85 bottles containing 180 ml. contraband liquor in each of them and another 200 bottles containing 90 ml. of contraband liquor came to be seized.

Record reveals that both applicants were protected from their arrest by interim orders of this Court with a direction to mark their presence with investigating officer.

Admittedly, involvement of applicants is based on statement of co-accused. From the say it is found that investigation is near to completion, however custodial interrogation of applicants is said to be necessary for the purpose of knowing source of liquor. Admittedly, applicants had attended investigating officer. There is nothing on record to show that while applicants attended investigating officer, they had not co-operated with said part of investigation.

Prosecution along with his reply has filed crime chart where from it is revealed that about ten crimes are registered against applicant No.1, out of which three are under the Bombay Prohibition Act and rest of crimes are under the Indian Penal Code, Arms Act, Bombay Police Act, and Gambling Act which are all

said to be decided, acquitting applicant No.1.

Similarly, from the chart though it is found that about 25 crimes are registered against applicant No.2, mainly under the Prohibition Act during period from 1999 to 2009, learned counsel for the applicants states that said applicant is acquitted in all these crimes. Thus, there remains only one crime being No.708 of 2016 registered against applicant No.2 which can said to be pending.

In view of facts as aforesaid, interim orders passed by this Court is liable to be confirmed. However, having considered past record of applicants as aforesaid, pending Trial, they are necessary to be restrained from staying at Chandrapur. Hence, the following order is passed:

Interim orders dated 8.2.2017 stands confirmed on same terms and conditions. However, applicants are directed to attend investigating officer, if called, till filing of charge-sheet.

Applicants shall not enter territorial limits of Chandrapur City except for attending investigating officer, if called, as above.

Applicants shall mark their presence with police station within whose jurisdiction they prefer to reside on first day of month, pending Trial.

Applicants shall submit proof of their

residence with the investigating officer as well as with police station within whose jurisdiction they prefer to reside and shall update the same in the event of change in future.

Application stands disposed of accordingly.

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 :- 9/3/2017

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