

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

CRIMINAL APPLICATION (ABA) NO.117 OF 2017
(Vaishali w/o Milind Humne 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 A.R. Fule, Advocate for applicant.

Shri A.V. Palshikar, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 6, 2017

Heard Shri Fule, learned Counsel for
applicant, and Shri Palshikar, learned Additional Public
Prosecutor for respondent.

Shri Fule, learned Counsel for applicant, has
submitted that involvement of applicant is only by way
of her two-wheeler vehicle registered in her name, which
is found on the spot alleged to be driven by her brother.

Shri Palshikar, learned Additional Public
Prosecutor for respondent, has opposed the application
on the ground that there are similar offences registered
against the applicant and one of the offences registered
is under Section 302 of Indian Penal Code.

Shri Fule, learned Counsel for applicant, has
submitted that aforesaid crime is of 2005 wherein
applicant is acquitted.

Perusal of reply along with crime chart
reveals that there are as many as 10 offences registered
against applicant under Maharashtra Prohibition Act. It

is thus found that applicant is a habitual offender and in fact, two wheeler vehicle involved in the present crime was also involved in the earlier crime and was released on supratnama and as such, was in the custody of applicant.

In view of say of prosecution and crime chart wherefrom it is found that applicant is a habitual offender and quantity of contraband liquor to the extent of 400 bottles was seized from the two wheeler owned by applicant, which was driven by her brother at the material time, who is stated to be absconding and as investigation is in progress, no case is made out for anticipatory bail. The criminal application is, therefore, rejected.

JUDGE

khj