

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

Criminal Application (ABA) No. 119 of 2017

Swapnil v. State

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

Court's or Judge's orders

Shri H. P. Lingayat, Advocate for applicant
Shri Neeraj Patil, APP for respondent-State

Coram : S. B. Shukre, J

Dated : March 29, 2017

Heard.

This application has been opposed mainly on the ground that there is seizure of huge stock of illicit liquor from the house of the applicant and that the applicant was previously involved in the similar crime. Learned counsel for the applicant submits that the applicant was not in possession of illicit liquor, but that would be something which would relate to the defence of the applicant and this is not a stage when any defence of the applicant should be considered. But, the fact remains that the applicant had been arrested and released on bail. The explanation given in the reply of the prosecution is that the arrest was effected inadvertently, not knowing about the protection granted to the applicant. The arrest of the applicant had taken place on 2.3.2017 and this fact was not immediately brought to the notice of this Court and had it been to the knowledge of this Court and the Investigating officer was interested in seeking custodial interrogation of the applicant, something could have been done by this Court. Now that stage has been crossed over long past. In these circumstances, no purpose will be served by rejecting this application. Even otherwise, seizures have

been completed, marking end of an important stage of the investigation in a crime of the present nature.

In the circumstances, I am inclined to allow this application.

The application is allowed and the interim bail granted to the applicant on 28.2.2017 is confirmed on the same condition except for the condition regarding attendance and now, it is directed that the applicant may not attend the Police Station except when specifically required by the Investigating Officer. Application is disposed of.

JUDGE

joshi