

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

CRI. APPLICATION (BA) NO. 495 OF 2017

(BABURAO BIRJA PADKO...VS.. STATE OF MAH. THR. P.S.O. PS ETAPALLI, DIST. GADCHIROLI)

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

Court's or Judge's orders

Shri. Amit Kinkhede/ Shri. R. R. Vyas, Advocate for Applicant.
Shri. A.M. Deshpande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 09, 2017.

Heard.

The applicant is arrested on 28.04.2017 in crime registered against him and others for the offences punishable under Sections 65(A)(E), 83, 98(g)(2)(1), 86(1) of the Maharashtra Prohibition Act and Sections 66, 192 of the Motor Vehicles Act, on the accusation that though sale of liquor in Gadchiroli is banned, liquor worth Rs.25,82,400/- is seized from the house owned by the applicant. According to the Investigating Agency, the bottles of liquor were kept in 48 boxes. According to the Investigating Agency, the house where liquor was found stored was occupied by Gopal Majumdar at the relevant time.

The applicant claims that he is cultivator and he is not involved in any other crime/offence. It is not the contention of the non-applicant that at the relevant time, the house in question was occupied by the applicant. The charge-sheet is filed on 31st May, 2017 against the applicant in which it is shown that the other two accused are absconding. The

non-applicant has not been able to show that the custody of the applicant is required for the further investigation.

Considering the facts of the case, in my view, the applicant is entitled to be released on bail.

Hence, the following order :

The applicant, having been arrested in Crime registered vide FIR No.5 of 2017 by the non-applicant, he be released on bail on furnishing cash surety of Rs.50,000/- and one solvent surety in the like amount.

The cash surety be deposited before the Court of Magistrate where the charge-sheet is filed.

The application is **allowed** in the above terms.

JUDGE