

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

CRIMINAL APPLICATION (ABA) NO.393/2017

Niyazkhan Nazirkhan

..Vs..

State of Maharashtra, through Police Station Officer, Police Station Loni Takli,
Amravati, Distt. Amravati

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

Court's or Judge's orders

Shri S.S. Dhengale, Advocate for the applicant.
Shri V.R. Thakare, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 12.6.2017.

Heard.

The applicant seeks pre-arrest bail apprehending arrest in crime registered against him for offence punishable under Section 65(e) of the Maharashtra Prohibition Act. According to the investigating agency, liquor worth Rs.26,00,000/- is seized from an India and a truck and on investigation it is found that it was to be supplied to the applicant. According to the investigating agency, the applicant is a habitual offender and court cases for offence punishable under Section 65(e) of the Maharashtra Prohibition Act are pending against him.

According to the applicant, he is neither owner of the vehicles from which liquor is seized nor he was driving any of the vehicles. The applicant has

specifically stated that prosecution in earlier 4 crimes registered against him in 2007 has concluded in his acquittal. The copy of reply filed by the investigating agency before Sessions Court is placed on record. Except for the 4 cases of 2007, referred above, there is no reference of registration of any other crime / offence against the applicant.

Considering the facts of the case, in my view, the application of the applicant seeking pre-arrest bail is required to be granted.

Hence, the following order:

- (i) In the event of arrest in Crime No.155/2017 registered by the non-applicant, the applicant be released on bail on furnishing cash security of Rs.1,00,000/- (Rs. One Lakh) and one solvent surety in the like amount.
- (ii) The application is **allowed** accordingly.

JUDGE