

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

CRIMINAL APPLICATION (ABA) NO.423/2017

Raju Vishwanath Bhoyar

..Vs..

State of Maharashtra, through Police Station Officer Armori, Tah. Armori, Distt.
 Gadchiroli

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

Court's or Judge's orders

 Shri G.G. Bade, Adv. for the applicant.
 Shri M.J. Khan, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 21.6.2017.

Heard.

The applicant, apprehending arrest in crime registered against him for the offence punishable under Section 65(a) of the Maharashtra Prohibition Act, has sought pre-arrest bail. According to the investigating agency, the applicant is indulging in storing country liquor in his house which is situated in Armori, Distt. Gadchiroli where sale of liquor is prohibited. According to the investigating agency, the applicant is selling liquor, and 25 bottles of country liquor are seized from his house.

The learned Advocate for the applicant has submitted that for the sake of arguments even if the accusations made by the investigating agency are taken to be correct, the applicant cannot be punished for the offence punishable under Section 65(a) of the Maharashtra Prohibition Act and if at all any offence is

there, it will be under Section 65(e) of the Maharashtra Prohibition Act.

Though the applicant has not made any averment about the antecedents, in the order passed by the Sessions Court it is recorded that about 11 crimes for the offence punishable under Section 65 of the Maharashtra Prohibition Act are registered against the applicant.

Considering the facts of the case, I am not inclined to grant prayer made in the application. The submission made on behalf of the applicant that the offence will not be of the category as per Section 65(a) of the Maharashtra Prohibition Act is not considered and is left to be considered in appropriate proceedings at appropriate stage. With the above observations, the application is **dismissed**.

JUDGE

Tambaskar.