

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

CRIMINAL APPLICATION (BA) NO.588/2017

Ajay S/o Rajkumar Jain and another

..Vs..

State of Maharashtra, through its PSO, PS Ramnagar, Distt. Chandrapur

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

Court's or Judge's orders

Shri Abdul Matin, Adv. for the applicant.
Shri V.A. Thakre, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 3.7.2017.

Heard.

The applicants are arrested in connection with crime registered against them and two others for offence punishable under Sections 65(a) and 83 of the Maharashtra Prohibition Act and Section 188 of the Indian Penal Code on the accusations that they were carrying liquor worth Rs.4,05,000/- for sale in Chandrapur district where sale of liquor is prohibited.

The learned Additional Sessions Judge has recorded that the applicants on their own showing are residents of Katni, Madhya Pradesh and Patera, Distt. Damoh, Madhya Pradesh, that the aadhar card and electricity bill to show permanent address of applicant No.2 is produced, however, inspite of grant of time, documentary evidence to support the claim of the applicant No.1 that he is resident of Katni has not been

produced.

The learned Advocate for the applicants relied on the fact that the co-accused Anil and Kali are released on bail as per the order passed by the Sessions Court on 17th June, 2017. These co-accused are residents of Chandrapur and were arrested as they were driving the auto-rickshaws in which applicants were travelling alongwith the stock of liquor.

The application is opposed on the ground that the investigation is in progress and if the applicants are released at this stage, it will be almost impossible for the investigating agency to secure their presence.

Considering the facts of the case, I am not inclined to grant the prayer at this stage. The application is **dismissed**.

The applicants are granted liberty to move fresh application after the filing of charge-sheet.

JUDGE