

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 621 OF 2017

(Dilip @ Dipak S/o Dhivaru Kukadkar..vs..State of Maharashtra, through PSO.PS.Gadchiroli.)

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

Court's or Judge's orders.

Shri R.R.Vyas, Advocate for applicant.

Shri R.S.Nayak, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 31, 2017

Heard learned counsel for applicant and learned
A.P.P.for State.

2] Though, this application is coming for consideration, the learned A.P.P. after obtaining the instructions has prepared the reply and reply is filed on record. It is taken on record. The efforts of learned A.P.P.Shri R.S.Nayak for early disposal of the anticipatory bail are appreciated.

3] The F.I.R. in which the present applicant is apprehending his arrest is registered with P.S.Gadchiroli, vide Crime No.467/2017, for the offence punishable under Sections 65(a)(e),83,98(c)(2)(1) of the Maharashtra Prohibition Act.

4] The F.I.R. is lodged by Police Head Constable Pramod Dadaji Walke, who is discharging his duty in Local Crime Branch,at Gadchiroli. According to reply filed on behalf of the State a secret information was received that in one Skoda car,bearing No. MH/02/AU-4990 which is coming from Armori and proceeding towards Gadchiroli via Dibhana to Amirza Road contains the contraband i.e. liquor. Accordingly, the said car was intercepted and the foreign liquor was found place in the dicky of the said car. The driver of the said car disclosed his identity as

Amit Dilip Pipre. According to prosecution, said Amit made a statement that the car and liquor belong to the present applicant.

5] The contraband i.e. liquor is already seized. At the time of interception the applicant was not present in the car. So, prima facie it cannot be said that the applicant was in possession of the said contraband articles. Further, presently there is nothing on record to show that the said contraband belongs to the applicant. On specific query that was put to learned A.P.P. whether the applicant was having criminal antecedents in respect of the Maharashtra Prohibition Act, the learned A.P.P. on the instructions submits that there are no previous offences registered against the present applicant under Maharashtra Prohibition Act.

6] Looking to the facts that liquor is already seized the further custody of the applicant is not required for the purpose of investigation, the applicant can be put to certain terms. That leads me to pass the following order.

ORDER

- I) The application is allowed.
- II) In the event of arrest of applicant Dilip @ Dipak S/o Dhivaru Kukadkar in Crime No.467/2017, registered with P.S.Gadchiroli, for the offence punishable under Sections 65(a)(e),83,98(c)(2)(1) of the Maharashtra Prohibition Act, he be released on bail on he executing P.R. of Rs.25000/- with two solvent sureties in the like amount.
- III) The applicant shall attend P.S.Gadchiroli on 4/9/2017,5/9/2017,7/9/2017and 9/9/2017 and he shall remain in police station from 11.00 a.m. to 5.00

p.m. and shall extend fully cooperation to the
investigating officer.

IV) With this, the application is disposed of.

JUDGE

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