

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

CRIMINAL APPLICATION (ABA) NO.648 OF 2017

Dilip s/o Shamsundar Kanjar and ors

..vs..

The State of Maharashtra, thr. Police Inspector, Police Station : Ramnagar, Tahsil
and District Chandrapur

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

Court's or Judge's Order

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Shri J.S. Chilotra, Counsel for the applicants.

Shri R.S. Nayak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 20, 2017.

1. Heard learned counsel Shri J.S. Chilotra for the applicants and learned Additional Public Prosecutor Shri R.S. Nayak for the State.

2. The applicants are apprehending their arrest in connection with Crime No.1295 of 2017 registered with Police Station Ramnagar, Tahsil and District Chandrapur for the offences punishable under Sections 65(e) and 83 of the Maharashtra Prohibition Act, 1949.

3. According to the first information report, the investigating officer got an information from a secret informant that the present applicants have stored the stock of liquor under the bushes which are near the H.P. Godown. The first information report further proceeds that when they reached near the H.P. Godown, two persons ran away from the spot. The

first information report further states that the police party noticed storing of the liquor in the bushes. The liquor was seized.

4. Though the names of the applicants are appearing, it is not stated in the first information report that two persons, who ran away after noticing the police party, are the present applicants.

5. Learned Additional Public Prosecutor Shri R.S. Nayak for the State opposes the application on the ground that the applicants are having past criminal records. Though the past criminal records may be one of consideration, it is the primary duty of the prosecution to point out the connection of the applicants in the crime, in question.

6. Though the stock of the liquor is seized from the open space, it is not the reply on behalf of the prosecution that the present applicants were having any exclusive control over the said place.

7. In that view of the matter, the application can be considered favourably. At the same time, interest of the prosecution can be protected by directing the applicants to attend the police station. Hence, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) In the event of arrest of applicants Dilip s/o

Shamsundar Kanjar, Adesh s/o Shamsundar Kanjar, and Payal d/o Dilip Kanjar, in connection with Crime No.1295 of 2017 registered with Police Station Ramnagar, Tahsil and District Chandrapur for the offences punishable under Sections 65(e) and 83 of the Maharashtra Prohibition Act, 1949, the applicants be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- by each of them with two solvent sureties by each of them of the like amount.

iii) The applicants are directed to attend the police station twice a week i.e. on every Monday and every Sunday and shall be with the investigating officer in between 3:00 p.m. and 5:00 p.m., till filing of the charge-sheet.

iv) The applicants shall extend full co-operation to the investigating officer.

v) With this, the criminal application is disposed of.

JUDGE

!! BRW !!

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