

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.670 OF 2017

(Satvindarsingh S/o Jeetsingh Juni..vs..The State of Maharashtra, through
PSO.PS.Chimur,District-Chandrapur)

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

Court's or Judge's orders.

Shri M.S.Deogade, Advocate for applicant.

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

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 26, 2017

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

2] The applicant is apprehending his arrest in connection with Crime No.397/2017, registered with P.S. Chimur, District-Chandrapur, for the offence punishable under Sections 65(E) and 83 of the Maharashtra Prohibition Act.

3] The State has filed reply. According to reply, the prosecution case is that on 25/7/2017, the investigating officer has received secret information. The said secret information was in respect of carrying liquor in one Mahindra Bolero Pick Up Vehicle and that vehicle was proceeding towards Bothali village. The said vehicle was intercepted by the police. On the search of the said vehicle, 45 boxes containing 48 bottles of country liquor

were found in each box. The liquor was seized. According to prosecution, the driver of the said vehicle ran away from the spot.

It is further case of the prosecution that applicant is the owner of the said vehicle.

4] This Court on 19/9/2017 granted interim protection in favour of the applicant on the condition that applicant shall attend P.S.Chimur on the dates mentioned in the order dated 19/9/2017 and shall be with the investigating officer from 11.00 am. To 5.00 p.m.

5] The reply shows that applicant in compliance with the said directions attended the police station and joined the investigation. Not only that , according to the reply, his statement is recorded and as per the reply the liquor was brought from one Shriniwas Babbawar.

6] The custodial presence of the applicant is claimed by the prosecution since according to prosecution the driver and said Shriniwas Babbawar are untraceable. It is the duty of the police to trace out the accused persons and for that the custodial presence of co-accused is not necessary. Consequently, I pass the following order.

ORDER

- I) Application is allowed.
- II) In the event of arrest of applicant
Satvindarsingh S/o Jeetsingh Juni in Crime
No.397/2017, registered with P.S. Chimur,
District-Chandrapur,for the offence
punishable under Sections 65(E) and 83 of
the Maharashtra Prohibition Act, he be
released on bail on he executing P.B. of Rs.
25000/- alongwith one solvent surety in the
like amount.

Application is disposed of.

JUDGE