

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 701 of 2017
[Prashant Anjaya Yadawar Vs. State of Mah., Armori PS, Distt. Gadchiroli]

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

Court's or Judge's orders

Mr. R. R. Vyas, Adv., for the applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 06th October, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No. 259/17 registered at Armori Police Station, Distt. Gadchiroli, for the offences under Sections 65 (a), 83 and 98 (c) of the Maharashtra Prohibition Act.

As per the First Information report dated 30th August, 2017, contraband worth Rs.2,94,000-00 was seized from a car and two of the accused were arrested. The First Information Report states that the same belonged to one Vishnu Taktani and it was to be delivered to the applicant herein.

It is submitted on behalf of the applicant that only on the basis of statement of the co-accused, the applicant has been implicated. It is submitted that the

applicant is a contractor by profession and as the entire contraband has been seized, his custodial interrogation is not warranted.

Application is opposed by learned Addl. Public Prosecutor by relying upon the reply. It is stated that applicant has criminal antecedents and one offence under the Maharashtra Prohibition Act is presently pending in Court. It is further submitted that considering the value of material seized, the applicant is not entitled for discretion.

Perused the FIR along with the reply.

As per the FIR, the contraband in question is stated to be owned by one Vishnu Taktani and two of the accused were caught while transporting the same. As per the statements of the arrested accused, it was to be supplied to the applicant. Considering the fact that the entire material has been seized, I do not find that custodial interrogation of the applicant herein is warranted. In so far as earlier antecedents are concerned, the applicant has been acquitted in about four cases and the case pending is of the year 2015. I am, therefore, inclined to exercise discretion in favour of the applicant.

In the event of applicant's arrest in connection with Crime No. 259/17 registered at Armori Police

Station, Distt. Gadchiroli, for the offences under Sections 65 (a), 83 and 98 (c) of the Maharashtra Prohibition Act, he shall be released on bail on furnishing a Personal Bond of Rs.20,000-00 [rupees twenty thousand only] with one surety in the like amount. He shall attend the concerned Police Station on 12th October, 2017 at 11.00 a.m., and thereafter as per the directions of the Investigating Officer. No steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding the pre-arrest bail application.

Application is disposed of.

Judge