

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

Criminal Application [BA] No. 976 of 2017

[Sadhuram Shamumal Danani & another Vs. State of Mah., Ballarpur PS, Distt. Chandrapur]

AND

Criminal Application [BA] No. 1021 of 2017

[Nanak Kanahiyalal Ahuja & another Vs. State of Mah., Ballarpur PS, Distt. Chandrapur]

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

Court's or Judge's orders

Cri. Application No. 976/2017 :

Mr. J. B. Kasat, Adv., for the applicants.
Ms. Shamshi Haidar, APP for non-applicant.

Cri. Application No. 1021/2017 :

Mr. J. S. Chilotra, Adv., for the applicants.
Ms. Shamshi Haidar, APP for non-applicant.

CORAM : A.S. CHANDURKAR, J.

DATE : 09th November, 2017

The applicants have been arrested in connection with Crime No. 937/17 registered at Ballapur Police Station, Distt. Chandrapur, for the offences punishable under Section 65 (c) and 83 of the Maharashtra Prohibition Act and Section 188 of the Indian Penal Code.

As per the First Information Report of said date, on receipt of information, a trap was laid and two cars were stopped. In both the cars, it was found that the liquor was being transported despite prohibition. The

applicants in Criminal Application No. 976 of 2017 were found travelling in the second car and were arrested on the spot. Applicant no.1 was arrested also on the spot while applicant no.2 came to be arrested subsequently.

It is submitted on behalf of the applicants that after their arrest, the entire material has been seized. The investigation is almost complete and they are in custody since 20th September, 2017. Applicants in Criminal Application No. 976 of 2017 are stated to be residents of Paratwada and they are not habitual offenders. In so far as applicants in Criminal Application No. 1021 of 2017 are concerned, it is submitted that though offences have been registered earlier, they have been released on bail those offences. If released, appropriate conditions be imposed.

The applications are opposed by the learned Addl. Public Prosecutor by relying upon the reply. It is submitted that considering the quantity of liquor seized, the applicants are not entitled for any discretion. If they are released, there is likelihood of their indulging in similar offences.

Perused the First Information Report as well as the reply.

The applicants were arrested on the spot and the entire liquor along with two cars have been duly seized. Since their arrest, they are behind the bars for almost

two months. I find that as the entire material has now been seized, their further detention is not warranted. They are hence entitled to be released on bail. Hence, the applicants who have been arrested pursuant to Crime No. 937/17 registered at Ballarpur Police Station, Distt. Chandrapur, for the offences punishable under Section 65 (c) and 83 of the Maharashtra Prohibition Act and Section 188 of the Indian Penal Code, are directed to be released on furnishing a Personal Bond of Rs.25,000-00 [rupees twenty-five thousand only] each with one surety each in the like amount. The applicants after their release shall attend the concerned Police Station on 4th December, 2017 and thereafter as per the directions of the Investigating Officer. They shall not indulge in similar activities. No steps be taken to influence the prosecution witnesses.

Observations made in this order are only for deciding the applications which are allowed and disposed of.

Judge

[hedau]