

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

CRIMINAL APPLICATION (ABA) NO. 768 OF 2017

SAU. RAMA SANATAN GAIN

-vs-

LAXMAN S/O VASANTRAO SANGE AND ANOTHER

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

Court's or Judge's Orders.

Shri G. N. Khanzode, Advocate for applicant.
Mrs. Geeta Tiwari, APP for the non-applicant.

CORAM : A.S.CHANDURKAR, J.

DATE : November 06, 2017

The applicant apprehends his arrest in Crime No.536/2017 registered at Police Station Gadchiroli for the offences punishable under Section 65(e) of the Maharashtra Prohibition Act, 1949.

As per the first information report dated 16-9-2017 on receiving the information, the premises in front of the building of the Zilla Parishad was raided in which it was found that there was a stock of liquor despite prohibition. Then applicant was found in that premises. On that basis the offence came to be registered.

It is submitted on behalf of the applicant that a drive for removal of encroachment was undertaken and in that context it was likely that the aforesaid liquor must have been kept there by some other person. The stock in question has already been seized and hence, the custodial interrogation of the application is not warranted. It is further submitted that as directed by the interim order the applicant has cooperated in the investigation.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is stated therein that for the purposes of further investigation and for going to the root of the matter, the custody of the applicant is necessary. There are antecedents with regard to similar offences and hence, no case for grant of protection is made out.

Perused the first information report as well as the reply. On the basis of the information received, a raid was conducted and stock in question now stands seized. The applicant was found in the premises where the said raid was conducted. Considering the nature of the offence, I find that the applicant can be directed to cooperate with the investigation that would enable the Investigating Officer to go to the root of the matter. As regards antecedents it can be seen that most of the offences are registered in the years 2014 to 2016. That by itself would not preclude the applicant from grant of protection.

Hence, in the event of the applicant's arrest in Crime No.536/2017 registered at Police Station Gadchiroli for the offences punishable under Section 65(e) of the Maharashtra Prohibition Act, 1949, she shall be released on furnishing P. R. Bond of Rs.25,000/- with one surety in the like amount. She shall attend the concerned Police Station on 15-11-2017 between 11 a.m. and 1 p.m. and thereafter as per the directions of the Investigating Officer.

The observations made are only for deciding the present application which is allowed and disposed of.

JUDGE

/Muley/