

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

CRIMINAL APPLICATION (ABA) NO.777 OF 2017

Shekhar s/oDayal Pal, R/o Chichpali, Chandrapur  
-vs-  
State of Maharashtra, Thr. PSO, PS Ramnagar, Dist. Chandrapur

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

Court's or Judge's Orders.

Shri Muzammil Husain, Advocate for applicant.  
Shri J. Y. Ghurde, APP for non-applicant/State.

**CORAM : A.S.CHANDURKAR, J.**  
**DATE : November 22, 2017**

Heard.

The applicant apprehends his arrest in connection with Crime No.1357/17 registered with Police Station Ramnagar, Dist. Chandrapur for the offence punishable under Sections 65(A) and 83 of the Maharashtra Prohibition Act read with Section 188 of the Indian Penal Code.

As per the First Information Report dated 08/09/2017 on the basis of information received a four wheeler which was proceeding towards Chandrapur was stopped and its search was taken. Same was found to contain liquor worth Rs.2,50,000/-. The driver of the said vehicle provided information that the liquor belongs to the applicant.

It is submitted on behalf of the applicant that he has been falsely implicated in the present offence merely on the basis of the statement of the driver. There are no antecedents. As the liquor has been seized and the applicant has co-operated

with the investigation, his custodial interrogation is not necessary.

The application is opposed by the learned Additional Public Prosecutor by filing reply. It is submitted that in view of the statement of the driver, the role of the present applicant is clear. At his behest the liquor was being transported. In the statement of the applicant recorded on 09/11/2017, it is admitted by him that he was transporting the said liquor. Hence the applicant is not entitled for protection.

Perused the First Information Report as well as documents collected by the prosecution. The liquor in question as well as the vehicle have been duly seized. The material against the present applicant is the statement of the driver. Considering the fact that after the interim order was passed, the applicant has appeared before the Investigating Officer and his statement has been recorded, I do not find any further reason to grant his custodial interrogation. He can be directed to co-operate with the investigation.

Accordingly in the event of applicant's arrest in connection with Crime No.1357/2017 registered at Police Station Ramnagar, Dist. Chandrapur for the offence punishable under Sections 65(A) and 83 of the Maharashtra Prohibition Act, read with Section 188 of the Indian Penal Code, he shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station on 04/12/2017 between 11 am and 1 pm 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 this application which is allowed and disposed of.

**JUDGE**