

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

CRIMINAL APPLICATION (ABA) NO.792 OF 2017

Ganesh s/o Kashinath Borkar, At Govindpur, Tah. Nagbhid, Dist. Chandrapur

-vs-

State of Maharashtra, Thr. PSO, PS Talodi, Tah. Nagbhid, Dist. Chandrapur

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

Court's or Judge's Orders.

Shri R.N. Meshram, Advocate for applicant.
Shri A. A. Madiwale, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : December 05, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.268/2017 registered at Police Station Talodi, Tah. Nagbhid, Dist. Chandrapur for the offence punishable under Sections 65(c), 82, 83-B of Maharashtra Prohibition Act and Section 188 of the Indian Penal Code.

As per the First Information Report dated 22/09/2017 on the basis of information received by the raiding party, the premises owned by the applicant was sought to be searched. The applicant was not present and hence in presence of witnesses the door was opened. Liquor worth Rs.2,40,000/- came to be seized.

It is submitted on behalf of the applicant that he has been falsely implicated in the crime. He is not connected with the said liquor. He is not aware as to who has kept the liquor at

his premises. As the entire material has been seized, custodial interrogation of the applicant is not necessary.

The application is opposed by the learned Additional Public Prosecutor. It is submitted that the liquor in question has been seized from the premises of the applicant. Though it is case of the applicant that he was working at Nagpur, he has not been able to give any details in that regard. There are also antecedents by way of earlier offences of similar nature.

Perused the First Information Report as well as police papers. The investigation reveals seizure of liquor worth Rs.2,40,000/- from the premises of the applicant. Statements of witnesses indicate that the applicant on getting knowledge of the raid, locked the premises and ran away. Earlier offences are also under the Maharashtra Prohibition Act. In that view of the matter, I am not inclined to grant protection to the applicant. Application is rejected.

It is clarified that the observations made in this order are only for deciding this application.

JUDGE