

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

CRIMINAL APPLICATION (ABA) NO.797 OF 2017

Saurabh Pramodlal Jaiswal, Ridhapur, Tq. Morshi, Dist. Amravati

-vs-

State of Maharashtra, Thr. PSO, PS Shirkhed, Tah. Morshi, Dist. Amaravati

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

Court's or Judge's Orders.

Shri C. A. Babrekar, Advocate for applicant.

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

CORAM : A.S.CHANDURKAR, J.

DATE : November 27, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.281/2017 registered at Police Station Shirkhed, Tah. Morshi, Dist. Amravati, for the offence punishable under Section 65-E of the Maharashtra Prohibition Act, 1949.

As per the First Information Report dated 17/07/2017 the house of one Pramod Wankhede was raided in which liquor was found despite prohibition. Accordingly an offence under Section 65-E of the Maharashtra Prohibition Act came to be recorded. During his interrogation said accused stated that the liquor belonged to the applicant.

It is submitted on behalf of the applicant that he has been falsely implicated in the crime. Merely on the basis of statement of a co-accused, he is sought to be implicated. The liquor in question has been duly seized and therefore there is no reason to seek his custodial interrogation. The applicant

can be directed to co-operate with the investigation.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that as per the statement of Pramod Wankhede it is the applicant who was supplying the liquor. His involvement is therefore apparent. Despite prohibition the liquor was being sold in the said area.

Perused the First Information Report as well as the reply. The liquor in question was seized on 17/07/2017 and the occupant of the said house came to arrested. In his statement name of the present applicant has been taken. Considering the fact that the entire liquor has been seized, and the person in occupation of the premises is arrested, I am inclined to grant protection to the applicant subject to his cooperating with the investigating agency.

Accordingly in the event of applicant's arrest in connection with Crime No.281/2017 registered at Police Station Shirkhed, Tah. Morshi, Dist. Amravati, for the offence punishable under Section 65-E of the Maharashtra Prohibition Act, 1949, he shall be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five 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.

The applicant shall not take any steps to influence the

prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE