

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.796 OF 2016
(Nilesh s/o Mahadeo Choudhari vs. State of Maharashtra)

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

Shri V.R. Deshpande, Advocate h/f Shri S.V. Sirpurkar,
Advocate for applicant.

Shri S. Sirpurkar, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 11, 2017

Heard learned Counsel for both sides.

Application is for grant of bail in Crime
No.428/2016 under Section 65(e) and 83 of the
Maharashtra Prohibition Act and Section 188 of Indian
Penal Code.

It is the specific case of applicant that his
motor cycle bearing No. MH 34 AZ 2166 was borrowed
by his friend Arvind Pendane and on 31/8/2016 he was
found having in his possession, three bottles of
contraband liquor, which came to be seized.

Admittedly, involvement of applicant is only
with regard to co-accused having been found in
possession of contraband bottles using motor cycle
owned by applicant.

Shri Sirpurkar, learned Additional Public
Prosecutor though has contended that apart from present
crime, there are three other offences registered against
applicant under Maharashtra Prohibition Act, no chart

or other details of said crimes are stated in the affidavit-in-reply. In that view of the matter and as contraband liquor consisting of three bottles of 180 ml each are already seized and involvement of applicant is only by way of his being owner of motor-cycle used by co-accused from whose possession said quantity of contraband liquor is seized, applicant is entitled for anticipatory bail as per order below :

Interim protection granted to applicant on 13/12/2016 stands confirmed on the same terms and conditions with further direction to applicant to attend Investigating Officer till filing of charge-sheet. The criminal application is accordingly allowed.

JUDGE

khj