

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

CRIMINAL APPLICATION (ABA) NO.809 OF 2016
(Sheikh Arif Sheikh Ibrahim 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.

Ms. Kirti Satpute, Advocate for applicant.
Shri N.H. Joshi, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 11, 2017

This application is filed for bail before arrest in Crime No. 261/2016 registered under Section 65(a) and (e) of the Maharashtra Prohibition Act.

Ms. Satpute, learned Counsel for applicant, submits that though 240 bottles of liquor containing 180 ml. liquor each, valued at Rs.42,000/-, are involved in the present crime, involvement of applicant is only on the basis of statement of co-accused and nothing more. It is submitted that since applicant during the course of investigation has attended Investigating Officer as directed by this Court, interim protection may be confirmed.

According to learned Additional Public Prosecutor, applicant is a habitual offender involved in transporting liquor to other persons and his custodial interrogation is necessary to unearth the source from where he had procured the seized contraband. It is also contended that applicant is also involved in two similar offences registered under the Maharashtra Prohibition Act, of which chart is placed on record. It is, therefore,

prayed that application may be rejected.

Perusal of say of prosecution reveals that during the course of investigation, co-accused Raju, Dilip and Chinna, who are arrested, have made a statement that applicant is supplier of seized quantity of liquor. Except for statement of co-accused as aforesaid, there is nothing on record to establish that applicant is in any manner involved in the present crime. Though it is also the case of prosecution that applicant is involved in similar offences earlier, it is contended by learned Counsel for applicant that in both these offences, applicant is on bail and is attending Police Station as per directions issued while releasing him on bail in those crimes, which fact is not disputed.

The record reveals that while granting interim protection to applicant in the present crime, this Court had directed applicant to attend the Investigating Officer as and when called and to cooperate with Police. It is not the case of prosecution that applicant has not complied with conditions imposed by this Court.

Having considered the facts as aforesaid, the application is liable to be allowed by confirming interim protection as per order below :

The interim protection granted to applicant by this Court on 8/12/2016 stands confirmed with further direction to applicant to attend Investigating Officer as and when called till filing of charge-sheet. The criminal application is accordingly allowed.

JUDGE

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