

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPPLICATION (ABA) NO. 817 OF 2016.

Tirupati Pocham Zade @ N.D.

..VS..

State of Mah.thr.P.S.O.P.S.Chanda City, Chandrapur.

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

Mr.Anuj Hajare, Advocate for the applicant.
Mr.A.M.Deshpande, APP for the State.

CORAM : **P.N. DESHMUKH, J.**
DATE : **12th JANUARY, 2017.**

Heard learned counsel for the applicant and learned
Additional Public Prosecutor for the State.

This application is filed for grant of anticipatory bail
in Crime No.867 of 2016 registered by Police Station Chandrapur
for the offence punishable under Section 65(e) of the
Maharashtra Prohibition Act and under Section 188 of the Indian
Penal Code.

It is the specific case of applicant, as reveals in para
no.5 of the application, that on 10th of October, 2016 applicant
had entered in to an agreement with one Manoj Vairagade in
respect of one room of his house, to be given on rent to Manoj
Vairagade and has thus contended that as the case of prosecution
is dated 24th of November, 2016, applicant was not in possession

of room where from contraband liquor came to be seized. It is therefore submitted that application be allowed.

Learned Additional Public Prosecutor opposed the application on the ground that source of seized quantity of liquor is to be ascertained.

On perusal of case diary it reveals that offence is registered on the basis of report dated 24th of November, 2016 on which day, on secrete information, raid came to be carried out at the construction site of applicant where one room was found locked. On obtaining search of said room, 2400 bottles containing 90 ml. country liquor in each came to be seized.

From the copy of agreement dated 10th of October, 2016, placed on record in support of the application, it is found that applicant had entered into an agreement with Manoj Vairagade and had rented his room to him for a period of eleven months i.e. till the end of September, 2017 at the rate of Rs.1000/- per month.

In view of agreement and on considering the date of incident i.e. 24th November, 2016, it is found that one month prior to the incident, a room was given on rent to Manoj Vairagade. In that view of the matter, there appears no direct involvement of applicant in the present crime and as such case of prosecution of requiring custodial interrogation of applicant to know the source of contraband liquor does not appears to be sufficient to reject the application. In the circumstances, following order is passed.

Interim protection granted to applicant by this Court by order dated 14th of December, 2016 stands confirmed on same

terms and conditions, with further direction to applicant to attend Investigating Officer as and when called, till filing of charge-sheet.

In view of disposal of Criminal Application (ABA) No.817 of 2016, Criminal Application (APPP) No.1756 of 2016 also stands disposed of.

JUDGE

chute