

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

CRIMINAL APPLICATION (ABA) NO.845/2017

Anil s/o Maniklal Jaiswal

..vs..

State of Mah., thr. PSO PS Ralegaon, Yavatmal

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

Court's or Judge's Order

Shri P.S. Jaiswal, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 15, 2017.

1. The present application is filed under Section 438 of the Code of Criminal Procedure since the applicant is apprehending his arrest in connection with Crime No.335 of 2017 registered with Police Station Ralegaon, District Yavatmal for the offences punishable under Sections 65(D) and 83 of the Maharashtra Police Act.

2. Heard learned counsel Shri P.S. Jaiswal for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.

3. As per the prosecution, on 2.11.2017 the investigating officer made a raid on the house of co-accused Ravindra and in the said raid the raiding party found that said Ravindra has kept 180 ml country liquor in 109 bottles in his ration shop. During his interrogation, according to the prosecution, he reported the name of the present applicant that

he has purchased those bottles from the present applicant.

4. The applicant undisputedly is having licence to carry the business of selling the country liquor.

5. Thus, the sell made by the present applicant to said Ravindra is perfectly legal. No exception with the said trade can be taken out and the applicant, therefore, in my view, has made out a *prima facie* case for grant of anticipatory bail. Consequently, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Anil Jaiswal, in the event of his arrest in connection with Crime No.335 of 2017 registered with Police Station Ralegaon, District Yavatmal for the offences punishable under Sections 65(D) and 83 of the Bombay Police Act, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) With this, the criminal application is allowed and disposed.

JUDGE

!! BRW !!

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