

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

CRIMINAL APPLICATION (BA) NO.1136 OF 2016
(Shankar Kishanchand Dadani vs. The 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 R.H. Rawlani, Advocate for applicant.

Shri N.H. Joshi, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 05, 2017

This application is filed by accused for bail in
Crime No. 303/2016 registered under Sections 65-A and
83 of Maharashtra Prohibition Act and Section 184 of
Motor Vehicles Act.

Shri Rawlani, learned Counsel for applicant,
has not disputed the fact of applicant being found
present in Tavera vehicle, which was intercepted
wherefrom liquor worth Rs.3,24,000/- was seized. It is,
however, contended that applicant is in no way
concerned with the seized liquor and same was
transported by co-accused Vijay, who is also owner of the
vehicle. It is submitted that applicant was merely in the
company of co-accused and as such, he was arrested.

Shri Joshi, learned Additional Public
Prosecutor has opposed the application by contending
that applicant is habitual in committing offences under
Maharashtra Prohibition Act as apart from present crime,
other cases are registered against applicant and are

pending before competent Court at Wardha. It is, therefore, submitted that application be rejected as applicant would indulge into similar activities, if he is released on bail.

Admittedly, liquor was seized and co-accused involved in this crime are already released on bail by the learned Sessions Court. Applicant's application, however, appears to have been rejected in view of his possibility of indulging into similar offences at Wardha and Chandrapur Districts while on bail and also on the ground of pendency of similar cases against him. In that view of the matter, application is liable to be allowed by imposing suitable conditions upon applicant as per order below :

Applicant shall be released on bail on his executing a P.R. Bond in the sum of Rs.20,000/- with one surety in like amount. While on bail, applicant shall not enter into the territorial limits of Wardha and Chandrapur Districts except for attending Court cases and on such days, shall mark his presence with Samudrapur Police Station or Chandrapur Police Station. Applicant shall provide proof of his residential address to Investigating Officer and shall update the same. The criminal application is accordingly allowed.

JUDGE

khj