

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

CRIMINAL APPLICATION (ABA) NO.903/2017

Dinesh Ghanshyam Kanjar

..vs..

The State of Mah., thr. Police Inspector Police Station Padoli, Tahsil and District
Chandrapur

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

Court's or Judge's Order

Shri J.S. Chilotra, Counsel for the applicant

Shri Amit Madiwale, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 18, 2017.

1. This is an application for anticipatory bail since the applicant is apprehending his arrest in connection with Crime No.357 of 2017 registered with Police Station Padoli, Tahsil and District Chandrapur for the offences punishable under Sections 65(a) and 83 of the Maharashtra Prohibition Act and Section 188 of the Indian Penal Code.

2. Heard learned counsel Shri J.S. Chilotra for the applicant and learned Additional Public Prosecutor Shri Amit Madiwale for the State so also perused the reply filed on behalf of the State.

3. As per the prosecution case, the police officer

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received a confidential information that the liquor is being transported in Tata Indigo Car in Chandrapur City. Accordingly, the vehicle was intercepted noticing 3 persons therein. When the search was made of the said car, 1400 plastic bottles of foreign liquor were found and also in another car 672 bottles of foreign liquor were found. Upon enquiry, it was disclosed to the police party that the present applicant is the owner of the said contraband. Though the raid was made on 12.9.2017, statements of the pancha witnesses were recorded only on 31.10.2017.

4. There is no criminal antecedent of the present applicant.

5. In my view, the applicant has made out a *prima facie* case for grant of anticipatory bail. Hence, I pass the following order:

ORDER

(i) Applicant Dinesh Ghanshyam Kanjar, in the event of his arrest in connection with Crime No.357 of 2017 registered with Police Station Padoli, Tahsil and District Chandrapur for the offences punishable under Sections 65(a) and 83 of the Maharashtra Prohibition Act and Section 188 of the Indian Penal Code, the applicant be

released on bail subject to condition that the applicant deposits Rs.75,000/- in the Court of learned Chief Judicial Magistrate at Chandrapur within a period of one week from today.

(ii) Such deposit of Rs.75,000/- shall be treated as Muddemal property of the present applicant and in any case the applicant will not be entitled to move an application for refund of the said amount.

(iii) Learned trying Magistrate shall decide the return of the Muddemal property after the Trial is over.

(iv) The applicant shall produce the receipt before the investigating officer showing the deposit of Rs.75,000/- in the Court of Learned Magistrate.

(v) If the amount of Rs.75,000/- is not deposited within a period of one week from today, protection granted by this Court shall cease to operate and the application shall stand dismissed without further reference to the Court.

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

JUDGE

!! BRW !!