

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

CRIMINAL APPLICATION (ABA) NO.904/2017

Rajesh s/o Shri Laxman Zade

..vs..

The State of Mah., thr. Excise Department, Chandrapur, 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.

Mrs. K.H. Deshpande, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 15, 2017.

1. Heard learned counsel Shri J.S. Chilotra for the applicant and learned Additional Public Prosecutor Mrs. K.H. Deshpande for the State.

2. The applicant is apprehending his arrest in connection with Crime No.47 of 2017 registered with Excise Department at Chandrapur for the offence punishable under Section 65(e) of the Maharashtra Prohibition Act and under Section 188 of the Indian Penal Code.

3. After perusing the reply filed on behalf of the State, it is clear that there is no independent material against the present applicant and the prosecution relies only on the statement of co-accused.

4. In that view of the matter, the present applicant is

entitled to be released on bail in the event of his arrest.
Consequently, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Rajesh s/o Shri Laxman Zade, in the event of his arrest, be released on bail in connection with Crime No.47 of 2017 registered with the Excise Department at Chandrapur for the offences punishable under Section 65(e) of the Maharashtra Prohibition Act and under Section 188 of the Indian Penal Code on he depositing Rs.30,000/- in the Court of learned Chief Judicial Magistrate First Class at Chandrapur within a period of one week from today.

(iii) The amount so deposited by the applicant shall be treated as Muddemal property of the crime in question and till the Trial is over, the applicant will not be entitled to file an application for withdrawal of the said amount.

(iv) After conclusion of the Trial, the trying Magistrate shall pass suitable orders in respect of

the same amount. In order to save the interest, learned Magistrate shall deposit the said amount of Rs.30,000/- with the Nationalized Bank initially for a period of 3 years and the said shall be renewed time-to-time.

(v) The applicant shall produce the copy of the receipt depositing Rs.30,000/- with the Excise Department within a period of 10 days from today. Else, order granting anticipatory bail shall cease to operate automatically.

(vi) The applicant shall also attend the Excise Department at Chandrapur once in a month i.e. on 3rd Monday of every month, till the charge-sheet is filed and shall be with the investigating officer from 1:00 p.m. to 5:00 p.m..

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

JUDGE

!! BRW !!

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