

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

CRIMINAL APPLICATION (ABA) NO.10/2018

Vitthal s/o Raghunath Ghalgir and anr. ..vs.. The State of Maharashtra
through PSO P.S. Gadchandur, Tq. Korpana, Dist. Chandrapur.

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

Court's or Judge's orders.

Mr. A. S. Bhandarkar, Advocate for applicants.
Mr. A. Madiwale, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 12, 2018

1. Heard Mr. A. S. Bhandarkar, Advocate for applicants and Mr. A. Madiwale, A.P.P. for non applicant-State. Perused the reply filed by the non applicant-State.

2. The applicants are apprehending their arrest in connection with Crime No.715/2017 registered with Police Station, Gadchandur for an offence punishable under Sections 65 (e) and 83 of the Bombay Prohibition act, 1949.

3. According to the prosecution, on 13.12.2017, Police Station Officer, Gadchandur received a secret information in respect of the liquor being illegally transported in a vehicle by the applicants. Accordingly, *nakabandi* was made. According to the prosecution, the applicants left the gunny bags from their vehicle and fled away from the spot.

4. According to the prosecution, there is an eye witness i.e. one Manik Nair whose statement is recorded on 14.12.2011. According to the learned counsel for the applicants, except the statement of said Manik, there is no other independent admissible evidence against the present applicant.

5. According to the statement of Manik, he is resident of Gadchandur. His statement shows that the present applicants are residents of Shengaon which is away from Gadchandur. His statement is totally silent as to how he is aware about the residence of the present applicants. With this type of evidence collected by the prosecution, especially when against the applicants only an offence under the Motor Vehicles Act is pressed into service, I am of the view that the applicants have made out a case for grant of anticipatory bail.

6. In view of above, following order is passed.

ORDER

- (i) Criminal Application No.10/2018 is allowed.
- (ii) In the event of arrest in connection with Crime No.715/2017 registered with Police Station, Gadchandur for an offence punishable under Sections 65 (e) and 83 of the Bombay Prohibition act, 1949, applicant No.1-Vitthal s/o Raghunath Ghalgir and applicant no.2-Akhil s/o Sharfoddin Sheikh, be released on bail on they executing P.R. Bond in

the sum of Rs.25,000/- each with two solvent sureties each in the like amount.

(iii) The applicants shall attend Police Station, Gadchandur, Tq. Korpana, Dist. Chandrapur once in a week i.e. on every Thursday and shall remain with the investigating officer from 02.00 p.m. to 05.00 p.m. till filing of the charge-sheet.

(iv) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. The learned trial Court shall not get influenced by the observations made in the order.

The application stands disposed of accordingly.

JUDGE

kahale