

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

CRIMINAL APPLICATION (ABA) NO.45/2018

Shiva @ Pranay s/o Kishor Ramgirwar

..vs..

State of Mah., thr. PSO PS Aheri, District Gadchiroli

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

Court's or Judge's Order

.....
Shri Avdesh Kesari, Counsel for the applicant.

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

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 30, 2018.

1. This is an application for anticipatory bail.
2. Heard learned counsel Shri Avdesh Kesari for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.
3. The applicant is apprehending his arrest in connection with Crime No.169/2017 registered with Police Station Aheri, District Gadchiroli for the offences punishable under Sections 65(e) and 83 of the Maharashtra Prohibition Act.
4. The State has filed the reply. From the reply it is clear that on a secret information, that huge stock of liquor is stored in the house of co-accused Sampatrao Nagesh Torem, a raid was carried. During that raid, liquor worth of Rs.39,50,000/- was found to be stored.

.....2/-

5. During the course of investigation, it is revealed that the applicant is also having role in bringing the said liquor in the prohibited area.

6. The reply also shows that the applicant is facing the prosecution of the similar offences from the Year 2012. On this, learned counsel Shri Avdesh Kesari for the applicant submits that out of 9 offences, which the prosecution has mentioned in the application, he has been acquitted by the Competent Court in 6 offences.

7. Be that as it may, entire stock is already seized. Further, no cogent reason is also ascribed in the reply for claiming custodial presence of the applicant. That leads me to pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Shiva @ Pranay s/o Kishor Ramgirwar, in the event of his arrest in connection with Crime No.169/2017 registered with Police Station Aheri, District Gadchiroli for the offences punishable under Sections 65(e) and 83 of the Maharashtra Prohibition Act, the applicant be released on bail on he depositing Rs.2.00 lacs (rupees two lacs only) in the Court of learned Judicial Magistrate First Class at

Aheri, District Gadchiroli within a period of 10 days from today.

(c) On such deposit of Rs.2.00 lacs in the Court of learned Magistrate at Aheri, District Gadchiroli, the said shall be treated as Muddemal of Crime No.169/2017.

(d) The applicant, in any case, shall not be entitled to file an application for withdrawal of the said amount.

(e) After the Trial is over, learned trying Magistrate shall pass an appropriate order for disposal of the Muddemal property.

(f) The applicant shall produce the copy of receipt depositing the amount of Rs.2.00 lacs in Police Station at Aheri, District Gadchiroli within a period of 15 days from today. Else, it shall be treated that the application is dismissed and there is no order granting bail in favour of the applicant.

(g) The amount, so deposited, shall be invested by

learned Magistrate initially for a period of 3 years in any Nationalized Bank and shall continue to renew the same in order to save loss of interest.

(h) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

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

JUDGE

!! BRW !!

...../-