

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

Criminal Application (ABA) No. 185 of 2018

Amit v. State of Maharashtra

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

Court's or Judge's orders

Shri S. Borkar, Advocate for applicant
Shri P. S. Tembhare, APP for respondent-State

CORAM : S. B. Shukre, J

DATE : 27.3.2018

Heard. Perused the First Information Report and reply of the prosecution.

It is stated on behalf of the applicant that car from which the liquor has been seized, was taken by the brother of the applicant just for one day on the assurance that the car would be returned to him in the evening.

The facts available on record disclose that at the time when the illicit liquor was seized, the applicant was not present in the car and that his brother and some other persons were present. The offence registered against this applicant is not for illegal transportation of liquor, but the one punishable under Section 65 (e) of the Maharashtra Prohibition Act which relates to possession for the purpose of sale or purchase of any intoxicant. But, the fact is that at the time when the illicit liquor was seized, the applicant was not present in his car. Such being the case, there is doubt about possession of liquor by the applicant. Therefore, even though the offence has been registered against the applicant, I find that this application deserves to be allowed.

Application is allowed and the interim bail

granted by this Court on 20th March 2018 is hereby confirmed on the same conditions with the modification of the condition regarding attendance and now, it is directed that the applicant shall attend the Police Station as and when required and also with addition of one more condition that in case any offence is registered against the applicant during the pendency of present case, the anticipatory bail granted to the applicant shall be liable to be cancelled at the instance of the prosecution. Disposed of.

JUDGE

joshi