

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

CRIMINAL APPLICATION (ABA) NO.243/2018

(Pyar Singh Jagjit Singh Juni Vs. State of Maharashtra, PSO., PS Sindewahi,
Dist.Chandrapur)

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

Court's or Judge's orders.

Shri Shashikant Borkar, Advocate for applicant.
Shri V.Gangane, APP for State.

CORAM : S. B. SHUKRE, J.

DATE : APRIL 27, 2018

Heard. Perused the FIR, reply of the
prosecution and the case diary.

The reply shows that this applicant has
criminal antecedents in the sense that about six
crimes have been registered against this applicant in
the past and all of them are of similar nature
involving illegal transportation, selling or dealing the
contraband liquor. However, the question is, is there
any prima facie material showing the involvement of
the present applicant in the crime, even if it is so, I
do not think that the criminal antecedents would be
required to be taken into consideration for deciding
this application against the applicant.

The allegation is that the police party

went near the bush forest situated at Sidewahi and Wasera near Amboli village and that they came across with three vehicles in which few persons loading liquor boxes. So, the raid was conducted. But, as darkness was prevailing, some persons were succeeded in fleeing away from the spot. This raid was conducted on the basis of secret information received by the police party. At that time, illicit liquor boxes were likely to be brought within the limits of Chandrapur district by this applicant. However, at the time of the raid, the applicant was not present at the spot of incident. There is no allegation that he was present at the spot of the incident.

The co-accused were subjected to custodial interrogation. However, it appears that they did not provide any information to the Investigating Officer as to from where the liquor cartons were brought and who was the supplier of those liquor cartons. It also appears that they did not tell anything. Moreover, this applicant is not alleged in the reply of the prosecution to be the supplier of the illicit liquor.

So, this is a case in which raid was conducted on the basis of secret information pointing finger towards this applicant, which however resulted in turning it away from this applicant. So,

there is doubt about existence of the prime facie case so far as offences as registered against this applicant are concerned.

In the facts and circumstances of the case, I find that just because criminal antecedents are there, this application cannot be rejected, especially when there is really a doubt about prima facie involvement of the applicant in the offences registered against him.

In the result, the application is allowed. Ad-interim anticipatory bail granted by this Court on 11th April, 2018 is hereby confirmed on the same conditions with clarification that the applicant need not attend the police station except when he is called upon to do so by the Investigating Officer.

The application stands disposed of accordingly.

JUDGE

Andurkar.