

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

CRIMINAL APPLICATION (ABA) 540 OF 2018

(Vishnu s/o. Dhanraj Advani..vs.. State, thr PSO, PS Mul, 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 S.L. Kotwal, counsel for applicant.
Shri V.A. Thakre, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 20th July, 2018.

Heard.

2 The applicant is apprehending arrest in Crime 477 of 2018 registered at Police Station, Mul for offence punishable under section 65(A) and 83 of Maharashtra Prohibition Act and section 188 read with section 34 of the Indian Penal Code.

3 The applicant is the proprietor of Advani Dhaba, situated on Nagpur – Umred Highway. PSI Shri Bhoyar of the Local Crime Branch, Chandrapur lodged report at Police Station, Mul to the effect that he received secret information that certain persons were transporting country and foreign liquor from Nagpur to Mul in Swaraj Super Mini truck bearing registration MH-32-B-3937. Concededly, Mul is a tahsil in Chandrapur district in which prohibition is statutorily enforced. The said vehicle was seized at mouza Rajoli and liquor worth Rs. 14 lacs approximately was seized. Pawan Revatkar and Aditya Patil were apprehended on the spot and during the investigation, it transpired that

the vehicle was loaded with liquor at Advani Dhaba, Nagpur.

4 Be it noted, that there is an earlier offence registered under the provisions of Maharashtra Prohibition Act against the present applicant.

5 Perusal of the reply of the prosecution in the bail proceedings before the learned Sessions Judge would reveal that there is more than ample material to connect the applicant with the crime. The investigation revealed that the vehicle in which the liquor was transported is modified and the liquor is surreptitiously transported in hidden compartments. The fact that liquor worth Rs. 14 lacs or thereabout was loaded in a vehicle in hidden compartments at Advani Dhaba is self speaking.

6 The prayer for anticipatory bail is strongly opposed, and not without justification. The applicant appears to be a repeat offender. The illegal transportation of liquor in districts in which the State of Maharashtra has enforced prohibition, with a salutary object inconsonance with the directive principles, is in danger of being rendered absolutely ineffective due to such crimes which are actuated by pure greed and avarice.

7 Considering the nature of the accusation, the more than ample material on record, the quantity of the liquor which was being transported and that the applicant is a repeat offender, I do not see any justification whatsoever to exercise discretion in favour of the applicant.

8 The application is without substance and is

rejected.

JUDGE

RSB