

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

CRIMINAL APPLICATION (BA) NO.1248/2017

Mr. Vishwajit s/o Ashok Bacchad

..VS..

State of Mah., thr. its PSO PS Ashti, District Gadchiroli

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

Court's or Judge's Order

.....
 Ms N.S. Dhote, Counsel for the applicant.

Shri Amit Madiwale, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 8, 2018.

1. Heard learned counsel Ms N.S. Dhote for the applicant and learned Additional Public Prosecutor Shri Amit Madiwale for the State.

2. The applicant is arrested on 28.11.2017 in connection with Crime No.168 of 2017 registered with Ashti Police Station, District Gadchiroli for the offences punishable under Sections 65(e), 98(c), and 83 of the Maharashtra Prohibition Act.

3. According to the prosecution, the police officer received a secret information that applicant along with co-accused is transporting Moua Liquor. The motorcycle was intercepted and at that time, the applicant tried to flee away

from the spot. However, after chasing, the applicant was apprehended. In the search, the police party found 50 liters of Moua Liquor amounting to Rs.7,500/-.

4. The application is opposed on the ground that the investigation is in progress and the applicant is having criminal antecedents at his credit.

5. Though the charge-sheet is not filed, in my view, it will not create impediments for deciding the application in favour of the applicant since the applicant is arrested on 28.11.2017 and since then he is languishing in jail.

6. Insofar as criminal antecedents are concerned, the applicant can be put to strict conditions namely in stead of releasing the applicant on executing P.R. Bond, the applicant can be directed to pay cash security. According to the prosecution, worth of Moua Liquor is Rs.7,500/-.

7. In that view of the matter, this Court passes the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Mr. Vishwajit s/o Ashok Bacchad, be released on bail on his depositing Rs.7,500/- in the Court of learned Judicial Magistrate First Class at Ashti, District Gadchiroli within a period

of 10 days from today.

(c) Learned Magistrate, in whose Court the amount of Rs.7,500/- will be deposited, shall treat the same as Muddemal of the crime.

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

(e) Learned trying Magistrate shall dispose of the Muddemal property by passing an appropriate order, after culmination of the Trial.

(f) The applicant shall produce the copy of receipt of depositing the amount of Rs.7,500/- to the investigating officer and also to the jail Authorities.

(g) The applicant shall be released from jail only on applicant's depositing Rs.7,500/- in the Court of learned Judicial Magistrate First Class at Ashti, District Gadchiroli within a period of 10 days from today. Else, the application shall deem

to have been dismissed.

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

JUDGE

!! BRW !!

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