

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

CRIMINAL APPLICATION (BA) NO.1253/2017

Prashant s/o Tanbaji Chandankhede

..vs..

State of Maharashtra, thr. PSO Hinganghat, District Wardha

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

Court's or Judge's Order

Shri N.S. Giripunje, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 4, 2018.

1. Heard learned counsel Shri N.S. Giripunje for the applicant and learned Additional Public Prosecutor Shri N.B. Jawade for the State.

2. This is an application for bail.

3. The applicant is arrested on 12.11.2017 in connection with Crime No.1374 of 2017 registered with Police Station Hinganghat, District Wardha for the offences punishable under Sections 65(a), 77(a), and 83 of the Bombay Prohibition Act.

4. The application for bail is primarily opposed by learned Additional Public Prosecutor Shri N.B. Jawade for the State on the grounds that the applicant is arrested on 12.11.2017 and the investigation is in progress. However, at the same time,

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learned Additional Public Prosecutor Shri N.B. Jawade for the State fairly submits, on the basis of the instructions and the material available with him, that though the charge-sheet is not filed, the investigation is on the verge of completion.

5. The contraband i.e. liquor was found to be stored in the house of one Prakash Satghare. The applicant was not found at the time when the raid was made to the house of Prakash Satghare, the co-accused.

6. The reply shows that the applicant is having past criminal record at his credit.

7. Looking to the fact that the investigation is almost over, in my view, further custodial presence of the applicant will not serve any purpose. That leads me to pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Prashant s/o Tanbaji Chandankhede, be released on bail in connection with Crime No.1374 of 2017 registered with Police Station Hinganghat, District Wardha for the offences punishable under Sections 65(a), 77(a), and 83 of the Bombay Prohibition Act on applicant depositing Rs.1,15,200/- in the Court of learned

Judicial Magistrate First Class at Hinganghat, District Wardha within a period of two weeks from today.

(iii) The applicant to produce the copy of the receipt showing deposit of Rs.1,15,200/- in the Court of learned Judicial Magistrate First Class at Hinganghat, District Wardha before the investigating officer.

(iv) On such deposit, the applicant be released from jail.

(v) Learned Magistrate is directed to invest the amount of Rs.1,15,200/- with any Nationalized Bank initially for a period of three years and shall renew the same in order to save loss of interest.

(vi) In any case, the applicant will not be entitled to make an application before any of the Court for return of the amount.

(vii) The amount so deposited by the applicant shall be treated as Muddemal property of the

crime in question.

(viii) After the Trial is over, it shall be open for learned Magistrate to pass an appropriate order in respect of disposal of the Muddemal property.

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

JUDGE

!! BRW !!

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