

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

CRIMINAL APPLICATION (ABA) NO.936/2017

Vishnu s/o Ghanshyam Kanjar ..vs.. The State of Maharashtra through PSO
P.S. Ramnagar, Chandrapur.

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

Court's or Judge's orders.

Mr. J. S. Chilotra, Advocate holding for Mr. R. M. Tahaliyani,
Advocate for applicant.

Mr. M. K. Pathan, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 8, 2018

1. Heard Mr. J. S. Chilotra, Advocate holding for Mr. R. M. Tahaliyani, Advocate for applicant and Mr. M. K. Pathan, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in connection with Crime No.1609/2017 registered with Police Station, Ramnagar, Chandrapur for an offence punishable under Sections 65 (e) and 83 of the Maharashtra Prohibition Act.

3. I have perused the reply filed on behalf of the State. According to the prosecution, on 25.11.2017, paroling party received a secret information that a silver coloured Innova vehicle having registration No. MH-40/KR-2729, coming from Nagpur is carrying foreign liquor. The said vehicle was intercepted and during search, 5 boxes of

65 sealed bottles of foreign liquor and 15 boxes containing other liquor was found. According to the prosecution, the liquor was worth Rs.2,88,000/-. The applicant was not present when the vehicle was stopped. According to the reply, the contraband was to be delivered to the present applicant.

4. Looking to the nature of accusation, prima facie, I am of the view that the applicant can be released on bail however on deposit of an amount of Rs.2,00,000/- in the Court of Chief Judicial Magistrate, Chandrapur.

5. In that view of the matter, following order is passed.

ORDER

- (i) Criminal Application No.936/2017 is allowed.
- (ii) In the event of arrest in connection with Crime No.1609/2017 registered with Police Station, Ramnagar, Chandrapur for an offence punishable under Sections 65 (e) and 83 of the Maharashtra Prohibition Act, the applicant-Vishnu Ghanshyam Kanjar be released on bail on he depositing Rs.2,00,000/- in the Court of Chief Judicial Magistrate, Chandrapur by 16.01.2018. On such deposit, the learned Chief Judicial Magistrate shall invest the said amount with any nationalized bank, firstly for three years and shall continue to renew the same in order to save loss of interest.
- (iii) The applicant, in any case, shall not be entitled to file an application for withdrawal of the said amount since

the said amount of Rs.2,00,000/- shall be treated as *Muddemal* property of Crime No.1609/2017.

(iv) The learned Magistrate, who will be trying the matter, shall pass an appropriate order after the trial is over in respect of the *muddemal* property.

(v) If by 17.01.2018 the applicant fails to produce the receipt before the investigating officer showing deposit of the amount in the Court of the Chief Judicial Magistrate, the present application shall be deemed to be dismissed automatically without further reference to the Court.

(vi) The applicant shall attend Police Station, Ramnagar, Chandrapur on 17.01.2018, 18.01.2018, 19.01.2018 and 20.01.2018 between 11.00 a.m. to 05.00 p.m. and shall extend full cooperation to the investigating officer during investigation.

(vii) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. However, the learned trial Court shall not get influenced by any of the aforesaid observations.

The application stands disposed of accordingly.

JUDGE