

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

Criminal Application (ABA) No. 244 of 2019

(Paresh s/o Shankarlal Batra Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. S. Sahare, Advocate for the applicant
Shri. V. P. Gangane, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 24/4/2019

Heard learned Advocate Shri Sahare for the applicant. He has submitted that the applicant is not involved in crime. Applicant himself lodged report in the police station about the theft of his vehicle on 09.04.2018. His sister lodged the report about the missing of applicant on 01.04.2018 but on 02.04.2018, the applicant returned to his house. Applicant is wrongly implicated in the crime, therefore, prayed for grant of anticipatory bail.

2. Perused the say of I.O. filed before Additional Sessions Judge, Warora. From the say of the I.O., it appears that on 31.03.2018, the police had information that the vehicle of applicant was carrying liquor worth Rs.2,00,000/-. They obstructed vehicle near Varora Phata Bhadrawati on Varora to Chandrapur Highway Road.

Accused/driver of the vehicle taken the vehicle in the field. After long distance, he stopped the vehicle and run away. After seizure of the vehicle, liquor worth Rs.2,00,000/- were found. Since then, the applicant is absconding. There is no dispute that he is the owner of the vehicle. It is contended by the applicant that there was a theft of his vehicle and, therefore, he lodged the report about missing of it. It appears that he has created a defence only to save him from this crime. Offence punishable under Section 65 (A) of the Maharashtra Prohibition Act is registered against the accused. Applicant was carrying a liquor in Chandrapur District where there is a complete ban on liquor. Hence, applicant is not entitled for any protection. In the result, the application is rejected.

JUDGE