

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

CRIMINAL APPLICATION (ABA) NO.309/2019

Rajendra alias Raju Fulchand Jaiswal .vs. State of Maharashtra, through
PSO P.S. Chandrapur City, Chandrapur

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

Court's or Judge's orders.

Mr. R. M. Tahaliyani, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 5, 2019

Heard Mr.Tahaliyani, learned counsel for applicant and Mr.Khan, learned A.P.P. for non applicant.

Applicant is apprehending his arrest in connection with Crime No.375/2019 registered with Police Station, Chandrapur City, Dist. Chandrapur for an offence punishable under Sections 65 (e), 83 of the Maharashtra Prohibition Act and Section 188 of the Indian Penal Code.

Reply is filed on record by prosecution. According to reply, Padmakar Bhoyar lodged a complaint that on getting secret information that one vehicle bearing No.MH-29/BE-0178 parked in front of the house of one Rajesh Thakur is having contraband liquor. The police party reached there and seized the contraband. According to prosecution, said liquor was sold by the present applicant to co-accused. It is clear from prosecution case that the applicant is having valid license in his son's name in Amravati district. If any person purchasing liquor from a

place where there is valid license and if the said person is transporting or selling such liquor in dry area, prima facie, the person selling liquor may not be held responsible.

In that view of the matter, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Interim order dated 23.05.2019 passed by this Court (Coram: Smt. Pushpa V. Ganediwala, J.) is confirmed.
- (iii) Applicant shall attend the investigating officer as and when required.
- (vi) Observations made in this order are purely prima facie in nature and those are made for consideration of this application. Learned trial Judge shall not get influenced by these observations at the time of trial.

The application is disposed of.

JUDGE

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