

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

Criminal Application (ABA) No. 312 of 2019

Bandu S/o Shankar Ramteke

Vs.

The State of Mah. Through P.S. Bhadrawati, Dist. Chandrapur

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

Court's or Judge's orders

Mr. Bhushan Dafale, Advocate for applicant.
Mr. A.D. Sonak, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 03, 2019

The applicant herein is an accused in FIR dated 25/04/2019 for the offences punishable under Sections 65(A) and 63 of the Maharashtra Prohibition Act along with Section 188 of the Indian Penal Code. According to oral report leading to registration of FIR, two persons carrying country liquor in district Chandrapur were intercepted by the police and it was found that they were carrying country liquor worth Rs.1,50,000/- in four bags. It is recorded in the FIR that upon being questioned the two persons named the applicant and another person as the true owners of the liquor bottles, apart from the fact that the applicant was stated to be the owner of the vehicle in which the said liquor was being transported. The said two persons i.e. co-accused are reported to be released on bail. The main reason why the Sessions Court rejected

the application for anticipatory bail filed by the applicant was that there was no reason why the police would have falsely involved the applicant in the present case and that documents placed on record by the applicant himself demonstrated that he was earlier also involved in such cases, although he was acquitted in all the cases registered against him. According to the Sessions Court, the documents on record demonstrated that the applicant was habitual offender and since his custody was required in the present case, the application for anticipatory bail could not be granted.

2. Before this Court, it is contended on behalf of the applicant that, other than the statement made by the co-accused about the applicant and another person being the owners of the liquor bottles as also the vehicle which was used for transportation, there was no material against the applicant. It was submitted that the liquor was already seized and there was no reason why the custody of the applicant was required, particularly when he was ready to co-operate with the investigation. It was submitted that the applicant himself had placed on record documents to show that he had been acquitted in all the cases in which similar allegations were made and that therefore it could not have been said that he was a habitual offender.

3. The material on record shows that the liquor

being illegally transported is already seized by the police. It is also apparent that the anxiety of the non-applicant State regarding the applicant not co-operating with the investigation can be addressed by imposing suitable conditions. Hence, this Court is of the opinion that the present application needs to be conditionally allowed. The present application is allowed and the applicant is granted anticipatory bail.

4. In the event the applicant is arrested in Crime No. 245/2019, he shall be released on furnishing cash security of Rs.1,50,000/- and on further condition that he shall co-operate with the investigation. The applicant shall also attend Police Station Bhadrawati once in a week i.e. on every Sunday between 10.00 a.m. to 5.00 p.m.

5. The application stands allowed in above terms.

JUDGE

MP Deshpande