

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

Criminal Application (ABA) No.317 of 2019
(Mangesh Santosh Narnaware .vs. The State of Maharashtra through PSO
PS Chimur, Dist. Chandrapur.)

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

Court's or Judge's orders.

Mr. V.D. Muley, Advocate for Applicant.
Mr. M.J. Khan, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : June 24, 2019.

The applicant herein is alleged to have committed offences under Sections 65E and 83 of the Maharashtra Prohibition Act, 1949, as per FIR dated 01.04.2019 registered against him and three other accused persons. The allegation against the accused is that on 31.03.2019, upon information being received, the Police found a vehicle wherein liquor bottles were stored, which was driven by one of the co-accused and the applicant herein was sitting in the rear seat. It is stated that after the occupants of the vehicle had left, it was found that the vehicle was containing bottles of liquor and that the said liquor along with the vehicle was seized.

2. The applicant herein claims that he is not the owner of the vehicle and that he has been falsely roped in by the Police and further that the co-accused have been released on bail. It was pointed out that the applicant deserved to be granted relief as he was ready

to cooperate with the investigation.

3. A document showing details from the Registering Authority regarding the said vehicle was produced wherein the name of the owner was shown to be that of Pravin Dayal. On this basis, it was contended that the present application deserves to be allowed.

4. On the other hand, the learned APP appearing on behalf of the non-applicant/State submitted that even though on paper the owner appeared to be one Pravin Dayal, but the Police had been able to obtain a document showing that the applicant herein had purchased the said vehicle from Pravin Dayal and transfer of registration was yet to take place. It was further pointed out that the document certifying purchase of said vehicle by the applicant did show signatures of the co-accused as witnesses. On this basis, it was contended that just because the applicant did not happen to be the owner of the vehicle on paper, it could not be said that he had no role to play. In the reply, the non-applicant/State has specifically pointed out that even on earlier three occasions, the applicant is an accused for very same offences under the Maharashtra Prohibition Act, 1949 and that since he was repeatedly indulging in such offences in district Chandrapur wherein there is a prohibition, it was necessary that custody of the applicant is obtained.

5. In view of the material brought to the notice of this Court on behalf of the non-applicant/State, it

becomes clear that this is not the first time the applicant herein has been accused of offences under the aforesaid Act. This appears to be the fourth FIR registered against the applicant, thereby indicating that he has been indulging in such activities in district Chandrapur repeatedly. As regards the ownership of the said vehicle, the material brought to the notice of this Court does indicate that the applicant, *prima facie*, can be connected with the said vehicle and the fact that such activity was indeed being carried out by the applicant and other accused persons.

6. In view of the above, this Court finds no merit in the present application and accordingly it is rejected.

JUDGE

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