

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

Criminal Application (BA) No. 419 of 2019

Abhijit s/o Nagesh Madkawar

Vs.

State of Maharashtra through P.S.Ballarshah, Distt. Chandrapur

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

Court's or Judge's orders

Mr. A.A.Dhawas, Advocate for applicant.
Mr. M.J.Khan, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 7, 2019

The applicant has approached this Court by way of present application apprehending arrest in connection with FIR dated 24.3.2019, whereby offence under Sections 65 (e) of the Maharashtra Prohibition Act, 1949 has been registered against him.

2. While issuing notice and granting ad-interim protection to the applicant by order dated 1.7.2019, this Court made the following observations:

“The applicant apprehends arrest in connection with FIR dated 24.3.2019 registered for offence punishable under Section 65(e) of the Maharashtra Prohibition Act, 1949. The allegation against the applicant is that when he was sought to be apprehended, he left the vehicle he was travelling in along with bottles of liquor.

The liquor was found worth Rs. 1,40,000/- and since the district Chandrapur is dry district, the allegation against the applicant is that he had committed the said offence.

It is contended on behalf of the applicant that he was in fact not present at the spot of the incident and that he has been wrongly roped in. It is pointed out that the liquor is already seized by the Police and that when the applicant is ready to cooperate with the investigation, there ought not to be any need to put him behind bars.

In view of the above, a case for grant ad-interim protection is made out. Hence, in the event the applicant is arrested in Crime No.295 of 2019 registered at Police Station Ballarsha, district Chandrapur, he shall be released on bail on furnishing PR bond of Rs.25,000/- (Rs. Twenty five thousand) and a surety in the like amount. The applicant shall attend Police Station Ballarsha once every week i.e. on Sunday between 10.00 a.m. and 5.00 p.m. during the pendency of this application. He shall cooperate with the investigation”.

3. The non-applicant-State has filed reply in response to the notice issued by this Court and pointed out that there is one earlier offence registered against the applicant under the Maharashtra Prohibition Act, 1949. On this ground and also for the reasons that the

investigation is still in progress, the present application is opposed.

4. Considering the nature of the allegations made against the applicant and the fact that he has indeed attended the police station as directed by this Court while granting ad-interim protection, this Court is of the opinion that the present application deserves to be allowed.

5. Accordingly, the application is allowed and the applicant is granted anticipatory bail by confirming the order of interim protection dated 1.7.2019 passed by this Court. Needless to say that the applicant shall continue to cooperate with the investigation and he shall attend the police station as directed, till filing of charge-sheet. It is made clear that if the applicant is found to have indulged in any activities leading to registration of FIR under the Maharashtra Prohibition Act, 1949, in the future, the bail granted to the applicant shall stand cancelled.

JUDGE