

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

CRIMINAL APPLICATION NO.462/2019

Sahabaj s/o Jabiullah Baig .vs. State of Maharashtra

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

Court's or Judge's orders.

Mr. N. A. Chawhan, Advocate for applicant.
Mr. M. J.Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 23, 2019

This is an application for anticipatory bail. The applicant is apprehending his arrest in connection with Crime No.90/2019, registered with Police Station, Rajura, District Chandrapur, for an offence punishable under Section 65(e) of the Maharashtra Prohibition Act.

Heard Mr.Chawhan, learned counsel for applicant and Mr. Khan, learned A.P.P. for non applicant-State. I have also perused the reply filed on behalf of prosecution and other investigation papers.

According to learned counsel for applicant, the applicant is a poor labour and he was not present on spot of the incident. Therefore, he submits applicant is falsely implicated in the crime.

The first informant report is lodged by Police Constable Gopinath Narote Buckle No.518 of Police Station, Rajura, against the applicant. As per the prosecution case, on 13.02.2019, Constable Gopinath Narote was present in

the Police Station. That time, he has received an information that applicant is proceeding towards Zenda Chowk, Somnathpura Ward and is carrying illicit liquor with him. On getting such an information, Constable Gopinath Naraote along with two panchas reached to that spot. That time, they noticed applicant coming along with two cartons. When he was accosted, he ran away from the spot, leaving the cartons on the spot. According to prosecution, panchas identified present applicant who ran away from the spot. The cartons were containing liquor bottles. Chandrapur is a dry district and, therefore, possessing and carrying liquor is illegal.

Learned A.P.P. contended that applicant is having past criminal antecedents. Applicant's criminal record is from 2016 and four offences are registered against him including the present one in which he is claiming anticipatory bail.

Looking to the fact that the applicant was found in possession of the contraband articles and the applicant is having past criminal record, in my view the applicant doesn't deserve any discretionary relief from this Court.

Hence, the application is rejected. Interim order dated 10.07.2019 stands vacated.

JUDGE