

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

CRIMINAL APPLICATION (ABA) NO.474/2019

Ramdas s/o Maroti Patewar .vs. State of Maharashtra, through PSO P.S.
Chamorshi, Dist. Gadchiroli

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

Court's or Judge's orders.

Mr. A. S. Dhore, Advocate for applicant.

Mr. N. B. Jawade, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 20, 2019

Heard Mr. Dhore, learned counsel for applicant
and Mr. Jawade, learned A.P.P. for non applicant-State.

By the present application, applicant is seeking
pre-arrest bail since he is apprehending his arrest in
connection with Crime No.116/2019, registered with Police
Station Chamorshi, Dist. Gadchiroli for an offence
punishable under Sections 65 (a), 98(K) and 83 of the
Maharashtra Prohibition Act.

According to the prosecution, on 19.05.2019, on
getting a secret information, a trap was laid and in that, it
was found that present applicant, who was riding a scooty,
was possessing foreign liquor worth Rs.42,00/-. However,
before applicant could be apprehended, he ran away from
spot. Upon search, 12 bottles of foreign liquor were found.

The application is opposed by learned prosecutor
on the ground that applicant is having criminal antecedents
inasmuch as one Crime No.286/2018 is already registered
against him for the very same offence.

Since along with contraband, the vehicle which was carrying it was also seized, in my view, the applicant can be released on bail by imposing certain conditions.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 116/2019, registered with Police Station Chamorshi, Dist. Gadchiroli for an offence punishable under Section 65 (A), 98(K) and 83 of Maharashtra Prohibition Act, applicant-Ramdas s/o Maroti Patewar be released on bail on he executing P.R. Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- (iii) The applicant is directed to deposit Rs.25,000/- in the Court of Judicial Magistrate First class, Chamorhsi on or before 28.08.2019. The learned Magistrate is directed to invest the said amount in any nationalized bank, initially for a period of 3 years and shall continue to renew the same.
- (iv) The amount so deposited shall be treated as Muddemal property of Crime No.116/2019 and the learned Magistrate shall pass an appropriate order for its disposal after the trial is over.
- (v) In any case, it shall not be open for the applicant to file an application before the Court below for refund of the amount until the trial is over. Even after the trial, the applicant shall not be entitled for accumulated interest and said interest shall be appropriated by the State Government only.

(vi) The applicant shall attend Police Station, twice a week on every Monday and Thursday in between 03.00 to 05.00 p.m. till the trial is culminated.

(vii) The applicant is directed to produce copy of receipt showing deposit of the amount on 30.08.2019 before the investigating officer. If the amount is not deposited, it shall be open for investigating officer to file an application for cancellation of bail.

The application is disposed of.

JUDGE

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