

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

CRIMINAL APPLICATION (ABA) NO.519/2019

Devendra Uday Singh

..VS..

State of Mah., thr. PSO PS Warora, District Chandrapur

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

Court's or Judge's Order

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Shri Rahul Nikore, Counsel for the Applicant.
Shri N.R.Rode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : SEPTEMBER 04, 2019.

1. Heard learned counsel Shri Rahul Nikore for the applicant and learned Additional Public Prosecutor Shri N.R.Rode for the State. Also, perused reply filed on behalf of the prosecution.

2. The applicant is apprehending his arrest in connection with Crime No.676/2019 registered with Warora Police Station, District Chandrapur for offences under Sections 65(a) and 83 of the Maharashtra Prohibition Act, 1949.

3. As per reply, on 18.6.2019, police personnel of Warora Police Station when stopped vehicle having registration No.MH-34/BF/5831 which was coming from Nagpur and was proceeding towards Chandrapur district, they found 22 boxes of liquor placed in the said vehicle. Driver of the said vehicle Narendra Pochan was arrested. He

disclosed that one Mahendra Telang is owner of the said vehicle.

4. As per reply, during course of investigation when statement of accused Narendra was recorded, in that statement he revealed that he purchased seized liquor from the present applicant. Reply is totally silent that there is any material to show that the present applicant was intending to sell the said liquor in dry district Chandrapur. On the contrary, as per reply, liquor was purchased by co-accused and he was transporting the said liquor in dry district.

5. This Court (Coram : Manish Pitale, J.), on 31.7.2019 granted *ad interim* protection in favour of the present applicant and directed the applicant to report police station every Sunday between 10:00 a.m. and 5:00 p.m..

6. It is not case of the prosecution that the present applicant has flouted conditions imposed upon him by this Court.

7. In view of reply in which role of the present applicant is disclosed, in my view, the present applicant has made out a case for grant of pre-arrest bail in his favour. Hence, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of applicant-Devendra Uday Singh, in connection with Crime No.676/2019 registered with Warora Police Station, District Chandrapur for offences

.....3/-

under Section 65(a) and 83 of the Maharashtra Prohibition Act, 1949, the applicant be released on bail on he executing a P.R.Bond in the sum of Rs.50,000/- with one solvent surety of the like amount.

(iii) The applicant is directed to attend the police station as and when he is called by Investigating Officer, till filing of chargesheet, however for that Investigating Officer shall give him a 2-days clear cut written communication.

(iv) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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