

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

CRIMINAL APPLICATION (ABA) NO.521/2019

Rajat s/o Panjabrao Rasekar

..VS..

The State of Mah., thr. PSO PS Chimur, Tahsil Chimur, District Chandrapur

.....
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 A.M.Gedam, Counsel for the Applicant.
Shri M.J.Khan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 28, 2019.

1. Heard learned counsel Shri A.M.Gedam for the applicant and learned Additional Public Prosecutor Shri M.J.Khan for the State. Also, perused reply filed on behalf of the State.
2. The applicant is apprehending his arrest in connection with Crime No.159/2019 registered with Chimur Police Station, District Chandrapur for offences under Sections 65(a) and 83 of the Maharashtra Prohibition Act, 1949.
3. According to the prosecution, in a Naka Bandi done by police officials, driver of vehicle No.MH-40/Y/3321 ran away from spot. Having searched the said vehicle, liquor worth Rs.3,55,000/- was found. According to the prosecution, licence of the applicant was found in the vehicle.

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4. Learned counsel Shri A.M.Gedam for the applicant, submitted that the vehicle was purchased by him from one Vijay and after purchase, on 5.4.2019 the vehicle was given on rent basis for 11 months to Kshitij. He, therefore, submitted that he was not in actual physical possession of the vehicle on the date of incident.

5. *Prima facie*, contention of learned counsel Shri A.M.Gedam for the applicant is substantiated in view of documentary evidence in the nature of rent agreement.

6. This Court (Coram : Manish Pitale, J.), on 2.8.2019 granted *ad interim* anticipatory bail in favour of the present applicant. There is no dispute on the part of the State that during intervening period the applicant misused the liberty granted to him in his favour and/or not cooperated with the prosecution.

7. In this view of the matter, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of applicant-Rajat s/o Panjabrao Rasekar, in connection with Crime No.159/2019 registered with Chimur Police Station, District Chandrapur for offences under Sections 65(a) and 83 of the Maharashtra Prohibition Act, 1949, he 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 from 1.9.2019 to 9.9.2019 and shall be with Investigating Officer from 11:00 a.m. to 5:00 p.m.

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

JUDGE

!! BRW !!

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