

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

CRIMINAL APPLICATION (ABA) NO.762/2019

Mahesh Dhanraj Kamble .vs. State of Maharashtra, through PSO P.S.
Ghuggus, Dist. Chandrapur.

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for applicant.

Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 19, 2019

Heard Mr. Ali, learned counsel for applicant and
Mr. Rode, learned A.P.P. for non applicant-State. Also
perused the reply filed by the learned A.P.P. opposing the
application for pre-arrest bail filed by the applicant.

Applicant is apprehending his arrest in
connection with Crime No.268/2019 registered with Police
Station, Ghuggus, Dist.Chandrapur for an offence punishable
under Section 65(a) and 83 of the Maharashtra Prohibition
Act read with Section 50 (1) (b), 177, 130/177 of the Motor
Vehicles Act.

Submission on behalf of learned counsel for
applicant is that applicant was not found present on the spot
when huge quantity of liquor was seized from Sumo Car and
Mini Truck which was not having any registration number.

Learned A.P.P. for the State would submit that on
secret information when police party was doing patrolling
duty on 07.10.2019 at 02.00 a.m., they found two vehicles
in suspicious condition. On verification of the said vehicles,

the vehicles were found containing boxes of liquor. During the course of investigation, the investigator got lead from the co-accused that contraband belongs to the present applicant and he was transporting to sell the said in Chandrapur district where there is a ban for selling liquor.

Though statement of co-accused is not admissible, that can always give a lead to the investigating officer for conducting further investigation.

The learned A.P.P. has pointed out, by filing reply, that applicant is a habitual offender in respect of the offences under the Maharashtra Prohibition Act and three offences are registered and those are pending.

It appears that when the applicant is released either on anticipatory bail or regular bail, he has an inclination to repeat the offence.

In view of this, in my considered opinion, applicant is not a person in whose favour discretion can be exercised for releasing him on bail. The application is, therefore, rejected.

If the applicant surrenders before the Court and files an application for regular bail, the competent Court should take into account the fact that the applicant is having inclination to repeat the offence.

JUDGE