

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

CRIMINAL APPLICATION (ABA) NO. 799 OF 2019

Rahul s/o Gendlal Choudhary .Vs. State of Maharashtra through PSO P.S.
Chandrapur (City), Tq. and 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. R.M. Tahaliyani, Advocate for applicant.
Mr. M.J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 06, 2019

Heard Mr. Tahaliyani, learned counsel for applicant and Mr. Khan, learned Additional Public Prosecutor for non applicant-State. Also perused reply filed on behalf of prosecution.

Applicant is apprehending his arrest in connection with Crime No.914/2019 registered with Police Station, Chandrapur(City), Tq. and Dist. Chandrapur for an offence punishable under Section 65(e) of the Maharashtra Prohibition Act.

As per reply, report was lodged by police constable Prakash Balki. The police officials received a secret information that applicant has stored liquor at his under-construction house and is selling the same from said house. A raid was conducted along with panchas. That time applicant was not present but his brother Kunal Chaudhary was present and he informed to the police that the house belongs to the applicant.

State has opposed the application mainly on the ground that applicant is having criminal antecedents. Even the said fact is not denied by the learned counsel for the applicant.

There is a dispute as to really the house belongs to the applicant or not. However, brother of the applicant claims that house belongs to the applicant.

Applicant therefore can be released on bail however on certain conditions. Hence, I pass the following order:

ORDER

- (1) The application is allowed.
- (2) In the event of arrest in connection with Crime No.914/2019 registered with Police Station, Chandrapur (City), Tq. and Dist. Chandrapur for an offence punishable under Section 65(e) of the Maharashtra Prohibition Act, applicant–Rahul s/o Gendlal Choudhary, be released on bail on he executing P.R. Bond in the sum of Rs.25,000/-with one solvent surety in the like amount, on following conditions :
 - (i) Applicant shall deposit amount of Rs.1,00,000/- (Rs. One Lac only) in the Court of Chief Judicial Magistrate, Chandarpur within a period of one week from today.
 - (ii) Applicant shall produce original copy of receipt showing deposit of amount in the Court of Chief Judicial Magistrate, Chandrapur to the investigating officer.
 - (iii) After deposit of amount, the amount shall be treated as *muddemal* property of Crime No.914/2019.
 - (iv) Learned Chief Judicial Magistrate, Chandrapur shall invest the said amount initially for a period of three years and shall continue to renew the

same as and when occasion arises.

(v) Appropriate orders in the said *muddemal* property shall be passed after the decision of the trial.

(vi) During pendency of the trial, applicant shall not be entitled to file application for withdrawal of said amount and no Court shall not permit the applicant to withdraw the said amount.

(vii) If amount is not deposited within a period of one week from today, it shall be treated that the application is dismissed.

(3) Applicant shall attend Police Station, Chandrapur(City), Tq. and Dist. Chandrapur twice in a week i.e. on every Monday and Thursday and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m., till filing of the charge-sheet.

The application is disposed of.

JUDGE

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