

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

**CRIMINAL APPLICATION (ABA) NO.800/2019**

Manoj s/o Nandulal Jaiswal .vs. State of Maharashtra through PSO P.S.  
Chandrapur City, Tq. Dist. Chandrapur.

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

Court's or Judge's orders.

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Mr. R. M. Tahaliyani, Advocate for applicant.  
Mr. P. S. Tembhare, A.P.P. for non applicant.

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

This is an application for pre arrest bail. Since applicant is apprehending his arrest in connection with Crime No.375/2019, registered with Police Station Chandrapur City, Tq.Dist. Chandrapur for an offence punishable under Sections 65 (e) and 83 of the Maharashtra Prohibition Act and under Section 88 of the Indian Penal Code.

First Information Report is lodged by Padmakar Bhoyar a Police Constable that police personnel received a secret information that at Mahakali Ward, Chandrapur a white Tata Ace bearing No.MH-29/BE-0178, containing liquor, both country and foreign, is parked in front of the house of one Rajesh Thakur and the stock is being unloaded from the said vehicle. A raid was made and the contraband was seized. In entire Chandrapur District, there is prohibition on transportation, possession and sale of liquor.

According to the prosecution case, applicant is the person who provided vehicle for transportation of the contraband from other district to Chandrapur District. The vehicle is owned by the present applicant.

Mr. Tahaliyani, learned counsel for the applicant, submitted that the vehicle, as per the online record, shows

that it belongs to one Mangesh Shrirame, however, the said aspect is explained in prosecution papers. The investigation papers would show that statement of Mangesh Shrirame is recorded. He handed over possession of the said vehicle to one Pravin Dhokane on a condition that said Pravin Dhokane will repay the Equated Monthly Installment (EMI) of the financier. The investigating officer has also recorded statement of the said Pravin Dhokane. It states that the present applicant took the said vehicle on rent from him.

The reply would show that investigating officer has given notice to the applicant. However, the applicant did not attend the Police Station. That shows that applicant is having tendency of not only to avoid the process of law but also to skip himself from the investigation.

While considering the application for anticipatory bail, the Court has to look into as to whether the applicant is having tendency to run away from the process of law. If it is noticed by the Court that applicant who seeks indulgence from the Court is having such a tendency, it is expected from the Court not to exercise discretion in favour of such a person. The investigation papers show that the applicant is having such a tendency.

In that view of the matter, the applicant is not entitled to any such discretionary relief. The application is, therefore, rejected.

**JUDGE**