

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

CRIMINAL APPLICATION (ABA) NO.822 OF 2019

Yuvraj alias Dadu Sharad Argelwar.Vs. State of Maharashtra,through P.S.O,
P.S. Bramhapuri, District Chandrapur.

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

Court's or Judge's orders.

Mr. Sumedh Kadam, Advocate for applicant.
Mr. V.A. Thakare, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : DECEMBER 18, 2019

Heard Mr. Sumedh Kadam, learned counsel for the applicant and Mr. V.A. Thakare, learned Additional Public Prosecutor for non applicant-State. Also perused the reply filed on behalf of the prosecuting agency.

2. The applicant is apprehending his arrest in connection with Crime No.672/2019 registered with Police Station, Bramhapuri, District Chandrapur for an offence punishable under Sections 65(a), 83 and 82 of the Maharashtra Prohibition Act and under Section 188 of the Indian Penal Code.

3. According to the prosecution case, Ganesh Namdeo Chalkh, a Police Head Constable received a secret information that on 21.09.2019 one Pyarsingh alias Pyaru Juni is going to transport illegally the liquor which is obtained by him from one Shreeniwas alias Sinu Kolawar ,

resident of Pawani and as per prosecution case the said liquor was to be supplied to the present applicant. Accordingly, trap was led and one Mahindra Scorpio vehicle was intercepted and it was found that the said vehicle was having liquor which is totally prohibited in Chandrapur district.

4. It is to be noted here that Shreeniwas alias Sinu Kolawar filed an application for anticipatory bail before this Court. While considering his application for anticipatory bail, it was revealed to this Court by prosecution that said Shreeniwas is having licensed vend in Pawani village District Bhandara where there is no prohibition. Further, at the time of consideration of Shreeniwas's anticipatory bail application, it was revealed to this Court that Prohibition Department found that the batch numbers which were found on the seized contraband were not sold from the licensed vend of Shreeniwas. Thus, in my view, *prima facie*, the basic secrete information has its own Achilles' heels. According to the prosecution, said liquor was to be supplied to the present applicant. However, up till now there is no independent evidence collected by the prosecuting agency to show the said aspect therefore merely because the applicant is having some criminal record, with the aid of such, the personal liberty of the present applicant cannot be curtailed.

5. The applicant was protected by this Court on 04.12.2019 with a direction that applicant shall attend police

station from 06.12.2019 to 14.12.2019. It is the submission of the learned Additional Public Prosecutor on instructions received from the investigating officer that the applicant did follow the said condition and has already joined the investigation. In that view of the matter, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.672/2019 registered with Police Station, Bramhapuri, District Chandrapur for an offence punishable under Sections 65(a), 83 and 82 of the Maharashtra Prohibition Act and under Section 188 of the Indian Penal Code, applicant- Yuvraj alias Dadu Sharad Argelwar be released on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Bramhapuri, District Chandrapur as and when called by the investigating officer. However, for that the investigating officer shall give clear cut two days written communication to the applicant.

The application is disposed of.

JUDGE

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