

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

**CRIMINAL APPLICATION (ABA) NO.17/2020**

Nilesh s/o Prafulsa Banole .vs. State of Maharashtra through PSO P.S.  
Gondpipari, 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. P. V. Rajurkar, Advocate for applicant.  
Mr. P. S. Temhare, A.P.P. for non applicant-State.

**CORAM : V. M. DESHPANDE, J.**

**DATED : FEBRUARY 6, 2020**

Heard Mr.Rajurkar, learned counsel for applicant  
and Mr. Tembhare, learned A.P.P. for non applicant-State.

Applicant is apprehending his arrest in  
connection with Crime No.317/2019, registered with Police  
Station Gondpipari, Chandrapur for an offence punishable  
under Sections 65 (a), 65 (e) and 83 of the Bombay  
Prohibition Act and 188 of the Indian Penal Code.

As per the prosecution case, Khushal Gaurkar  
lodged a complaint on 04.12.2019 that while patrolling, he  
received a secret information that some persons are  
transporting illegal liquor in Scorpio, four wheeler.  
Accordingly a trap was laid and Scorpio was intercepted.  
The driver of the vehicle ran away from the spot. However,  
one person, who was sitting and whose identify was  
disclosed as Dipak Tataji Chenekar was arrested. As per the  
prosecution case, the said Dipak disclosed that the applicant  
is owner of the said illicit liquor.

The applicant was not found to be present on the spot. The name of the applicant is there in the statement of the co-accused. There is no other independent witness to show that the applicant was transporting the liquor. Further there are no criminal antecedents against the applicant.

Learned counsel for the applicant, on instructions, makes a statement on behalf of the applicant that he is ready to deposit Rs.68,400/-, which was price of the illicit liquor before the Court below.

The statement is accepted.

In that view of the matter, I pass following order.

**ORDER**

- (i) The application is allowed.
- (ii) Applicant is directed to deposit Rs.68,400/- in the Court of Chief Judicial Magistrate, Chandrapur within one week from to day.
- (iii) In the event of arrest in connection with Crime No.317/2019, registered with Police Station Gondpipari, Chandrapur for an offence punishable under Sections 65 (a), 65 (e) and 83 of the Bombay Prohibition Act and 188 of the Indian Penal Code, applicant-Nilesh s/o Prafulsa Banole 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.
- (iv) The applicant shall attend Police Station, Gondpipari, Chandrapur, twice a week i.e. on every Monday and Tuesday and shall be with the investigating officer from 11.00 a.m. to 05.00 p.m., till filing of the charge-sheet.

(v) The amount of Rs.68,400/- so deposited within one week from today, shall be treated as muddemal in Crime No.317/2019. The applicant will not be entitled to withdraw the said amount till the trial is culminated. The trial Court shall not permit the applicant to withdraw the said amount till trial is culminated.

(vi) The applicant is directed to produce copy of the receipt showing deposit of the amount in the Court of Chief Judicial Magistrate within fifteen days from today to the investigating officer.

(vii) If the amount is not deposited within one week from today as directed above, the protection granted by this order, shall be treated as rejected, without further reference to the Court.

(vi) The learned Chief Judicial Magistrate, Chandrapur shall take steps to invest the said amount with any nationalized bank, initially for three years and shall continue the said exercise as and when required.

The application is disposed of.

**JUDGE**