

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

CRIMINAL APPLICATION (BA) NO.49/2020

Sanjay s/o Purushottam Parate .vs. State of Maharashtra through PSO P.S.
Nagbhid, 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. P. G. Khandekar, Advocate for applicant.
Mr. M. K. Pathan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : FEBRUARY 6, 2020

Heard Mr.Khandekar, learned counsel for applicant and Mr. Pathan, learned A.P.P. for non applicant-State.

Applicant is arrested in connection with Crime No.453/2019, registered with Police Station, Nagbhid, Chandrapur for an offence punishable under Sections 65 (a) and 83 of the Bombay Prohibition Act read with Section 188 of the Motor Vehicle Act.

Though the bail application is opposed primarily by learned A.P.P. on the ground that the investigation is in progress and charge-sheet is yet to be filed learned A.P.P. fairly states, on the basis of instructions and investigation papers available with him that investigation is almost over and only formality of filing of charge-sheet is remained to be done.

As per the prosecution case, a secret information was received that in a vehicle there is transportation of liquor which is banned in Chandrapur district. Accordingly nakabandi was done and truck bearing No. MH-40/BL-5194 was intercepted. The truck driver was one Lokesh. As per the prosecution case, the applicant was sitting in the cabin of the said truck. There is nothing on record to show that the applicant was having any knowledge much less prima facie that truck is containing liquor. Though learned A.P.P, by filing reply placed on record the crime chart of co-accused Lokesh, no offence is registered against present applicant.

In view of the aforesaid fact that investigation is almost over and the applicant is in jail since 13.12.2019, he can be released on bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant Sanjay s/o Purushottam Parate be released on bail in connection with Crime No.453/2019, registered with Police Station, Nagbhid, Chandrapur for an offence punishable under Sections 65 (a) and 83 of the Bombay Prohibition Act read with Section 188 of the Motor Vehicle Act, on he executing P.R.Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant is directed to attend Police Station, Nagbhid, twice a week i.e. on every Monday and Tuesday between 11.00 a.m. to 05.00 p.m. till filing of the charge-

sheet. After filing of the charge-sheet, the applicant shall attend Police Station twice in a month i.e. on first and third Tuesday of every month for six month.

The application is disposed of.

JUDGE

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