

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

CRIMINAL APPLICATION (ABA) NO.74 OF 2020

(Amit s/o Suresh Bisen Vs. State of Maharashtra thr. PSO, Dist. Chandrapur)

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

Court's or Judge's orders.

Shri Niwruutti Meshram, Advocate for Applicant.
Shri M.J. Khan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 13th MARCH, 2020.

I am not inclined to exercise the discretion in favour of the applicant who is seeking pre-arrest bail in connection with Crime 413/2019 for offence punishable under section 65(a) and 83 of the Maharashtra Prohibition Act, 1949 r/w section 120(B) of the Indian Penal Code.

2] The Local Crime Branch of Saoli Police Station received secret information that liquor would be transported in truck MH-31 CQ-2835 for sale in Chandrapur where prohibition is enforced.

3] The vehicle was intercepted when it was proceeding towards Saoli. Liquor worth Rs.52,88,000/- was found in the said vehicle.

4] During the investigation it has transpired that the contraband belonged to the present applicant. Although three persons were arrested from the spot, the involvement of the applicant – accused emerged in the

investigation. According to the prosecution, since 10.11.2019 the applicant is absconding. Perusal of the case diary would reveal that there is ample material to connect the applicant with the crime including the call record.

5] The learned counsel for the applicant would submit that the implication of the accused is due to mistaken identity. According to the learned counsel for the applicant, the applicant is a resident of Sindewahi while the address which has surfaced in investigation is of Umred. The record of Idea Service Provider which is made available by the learned APP Shri Khan would show that the accused was earlier residing at Sindewahi and then shifted his resident to Umred. The submission that the implication of the accused is due to mistaken identity is therefore, rejected. The offence is grave in the sense that the laudable object of enforcing prohibition is being virtually defeated by the criminal activities of persons like the applicant who according to the prosecution is the kingpin of the crime. The application is dismissed.

JUDGE