

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

CRIMINAL APPLICATION (ABA) NO. 869 OF 2019

Sandip Ramdas Dhobale .Vs. State of Maharashtra, through PSO, PS,
Talegaon, Tal. Ashti, Dist. Wardha.

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

Court's or Judge's orders.

Mr. P.A. Dharaskar, Advocate for applicant.
Mr. M.J.Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : JANUARY 13, 2020

Heard Mr. Dharaskar, learned counsel for applicant and Mr. Khan, learned Additional Public Prosecutor for non applicant-State. Also perused the reply filed on behalf of the prosecuting agency.

Applicant is apprehending his arrest in connection with Crime No. 275/2019 registered with Police Station, Talegaon, Dist. Wardha for an offence punishable under Sections 65(a), 65(e), 77(a) and 83 of the Maharashtra Prohibition Act and under Section 184 of the Motor Vehicle Act.

The reply would show that police party noticed suspicious movement of a car having registration No. MH-27/H-9746. The police party was required to chase the said vehicle and ultimately the police party was successful to intercept the said vehicle. Search of the said vehicle was taken wherein a contraband i.e. country liquor was found in the said vehicle. In Wardha district, transportation,

possession, selling, distribution and consumption of liquor is strictly prohibited. The driver is identified as Pravin Dhobale. He along with co-accused Vijay Wankhand were arrested. Arrested accused gave positive lead to the investigating officer. As per the said lead, it was found that the liquor which was being transported in Wardha district in a car was owned by the present applicant. Driver Pravin is the real brother of the present applicant.

Learned Additional Public Prosecutor also pointed out the criminal past record of the applicant. In 2017, there was a crime registered against the applicant vide Crime No.469/2017 along with co-accused Vijay Wankhede. That time they also found to be transporting huge quantity of liquor in Wardha district. Similarly, another Crime No.294/2017 was registered against the applicant at Police Station, Karanja Ghadge wherein it was found that without there being any licence for transportation of the country liquor, the applicant was transporting the huge quantity of country liquor in a vehicle. Similarly, bodily offence punishable under Section 307 of the Indian Penal Code is also registered against the applicant vide Crime No.429/2016. Similarly, other offences under the Maharashtra Prohibition Act vide Crime Nos. 205/2017, 230/2017, 349/2017 and 95/2018 are also registered against the applicant with different police stations.

Registration of aforesaid crimes show that the applicant is a repeater and he has every inclination to jump the bail when it was granted and commit the similar type of

offences. In that view of the matter, I am of the firm opinion that the present applicant should not be shown leniency.

Consequently, the application is rejected.

Interim order dated 18.12.2019 stands vacated.

It is expected from the investigating officer to take immediate steps, in accordance with law, against the applicant.

If the applicant surrenders or arrested and an application for regular bail is moved by the applicant, it is expected from the learned Judge before whom regular bail will be filed, to consider the past criminal record of the applicant and his inclination to repeat the offence.

JUDGE