

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

CRIMINAL APPLICATION (APL) NO.1377 OF 2019

(Aakash s/o Wamanrao Rohane Vs. State of Maharashtra thr. PSO Padoli, Tah. &
Dist. Chandrapur)

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

Court's or Judge's orders.

Ms. Vijayshree Shende, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 4th MARCH, 2020.

Heard Ms. Shende, the learned counsel for applicant and Shri Jawade, the learned APP for non-applicant/State.

2] The Sessions Judge has directed the applicant to deposit cash security of Rs.2,70,000/- in addition to imposing other conditions for grant of pre-arrest bail for offence punishable under Section 65(e) of the Maharashtra Prohibition Act.

3] I have perused the reasons recorded by the learned Sessions Judge. Broadly, I agree with the view that bail conditions must be stringent considering that the laudable policy of prohibition is being defeated by unscrupulous persons, who are taking the help of persons who have no criminal background, to transport the

contraband which results in the Court liberally granting bail or pre-arrest bail. However, the condition cannot be as onerous would render the right to bail illusory. The applicant is ready to deposit Rs.1 lakh before the trial court as cash security. This deposit should sub-serve the purpose which the learned Sessions Judge had in mind.

4] The application is partly allowed and it is directed that instead of Rs.2,70,000/- the applicant shall deposit Rs.1 lakh as cash security, which shall be done within two weeks. If the amount of Rs.1 lakh is not deposited within two weeks, the pre-arrest protection shall stand revoked.

JUDGE