

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

CRIMINAL APPLICATION (ABA) NO.99 OF 2021

(Nina s/o Kisan Kinge Vs. State of Maharashtra thr. its Inspector, State Excise
Department (Flying Squad), Buldhana)

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

Court's or Judge's orders.

Mr. A.J. Thakkar, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 23rd FEBRUARY, 2021.

The applicant, who claims to be a law abiding citizen, is apprehending arrest in Crime 359/2020 registered under Sections 65, 81, 83, 90 and 108 of the Maharashtra Prohibition Act.

2. Receipt of the secret information led to a raid being conducted by the State Excise Squad. Liquor bottles, which could have been sold only in Dadra Nagar Haveli, and the sale of which is prohibited in the State of Maharashtra, were found in the cattle shed of co-accused Deepak Kharche. The Excise Squad then seized similar prohibited liquor from the other co-accused Sudhakar Fengde.

3. During investigation, role of the applicant in the crime is revealed. The applicant allegedly played the most significant role in the crime in as much as it is the applicant

who allegedly procured the prohibited liquor for sale in Maharashtra. Call Detail Record further reveal that the applicant was in regular touch with co-accused Deepak Kharche.

4. The applicant has adverse antecedents. He is already charge-sheeted for similar crime and the prosecution is pending. The *modus operandi* is the same. According to the prosecution, custodial interrogation of the applicant is absolutely necessary to unearth the complicity of the other persons involved in the inter-state racket of procurement and sale of contraband liquor in Maharashtra.

5. No case is made out for exercise of discretion.

6. The application is dismissed.

JUDGE