

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

Criminal Application (ABA) No. 215 of 2021

(Sadhan Biren Guriya (Gudiya) and anr. ..vs.. State of Maharashtra through P.S.O., P.S. Chamorshi,
Ta. Chamorshi, Dist. Gadchiroli)

with

Criminal Application (ABA) No. 217 of 2021

(Pushpajit Daivya Mandal ..vs.. State of Maharashtra through P.S.O., P.S. Chamorshi, Ta. Chamorshi,
Dist. Gadchiroli)

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

Court's or Judge's orders

Mr. V. N. Morande, Advocate for the applicants
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 19-04-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicants in Criminal Application (ABA) 215/2021 Sadhan Biren Guriya (Gudiya) and Bhajan Bhuven Guriya (Gudiya) and the applicant in Criminal Application (ABA) 217/2021 Pushpajit Daivya Mandal are implicated in Crime 47/2021 registered with Police Station, Chamorshi, Dist. Gadchiroli for the offences punishable under Sections 65(e), 65(f) and 83 of the Maharashtra Prohibition Act.

3. Pursuant to receipt of secret information, police found huge quantity of illicit liquor which was being manufactured near the agriculture field of the applicant Sadhan Biren Guriya(Gudiya). It is specifically stated in the report dated 28-1-2021 that applicant Sadhan Biren Guriya(Gudiya) fled when he saw the police.

4. The seized quantity is worth ₹ 7,80,000/-. Applicants Sadhan Biren Guriya(Gudiya) and Pushpajit Daivya Mandal appear to be habitual offenders. No discretion can be exercised in favour applicants Sadhan Biren Guriya(Gudiya) and Pushpajit Daivya Mandal.

5. Insofar as applicant Bhajan Bhuven Guriya(Gudiya) is concerned, there is no history of indulging in crime. The owner of adjoining field who allegedly named Bhajan Bhuven Guriya(Gudiya) does not appear to have been examined, at least till date. I am not come across his statement in the case diary. In this view of the matter, Bhajan Bhuven Guriya(Gudiya) can be protected.

6. Criminal Application (ABA) 215/2021 is partly allowed. The pre-arrest protection prayed by applicant Sadhan Biren Guriya(Gudiya) is rejected. The pre-arrest protection granted to Bhajan Bhuvan Guriya(Gudiya) vide order dated 30-3-2021 is made absolute with the only modification that he shall attend concerned police station as and when required by the Investigating Officer till filing of the charge-sheet.

7. Criminal Application (ABA) 217/2021 preferred by Pushpajit Daivya Mandal is rejected.

8. The applications are disposed of.

JUDGE

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