

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

CRIMINAL APPLICATION (ABA) NO. 214 OF 2021

Tushar Vishnu Thandar and another

...Versus...

State of Maharashtra through PSO, P.S. Ashti, Ta. Chamorshi, Distt. Gadchiroli

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

Court's or Judge's orders

Shri V.N. Morande, Advocate for the applicants
 Shri A.R. Chutke, APP for non-applicant/State

CORAM : N.B.SURYAWANSHI, J.

DATE : 18/06/2021

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

2. The applicants apprehend their arrest in Crime No. 24/2021, registered with Ashti Police Station, District Gadchiroli, for offence punishable under Sections 65(d)(f) and 83 of the Maharashtra Prohibition Act.

3. It is the prosecution case that the informant A.S.I. Sakharam Birajdar lodged report on 02/02/2021 that a secret information was received by him and he proceeded along with staff and panchas to raid in the forest area. After reaching there they found three persons filling illicit Mahua liquor in the plastic cans. On a call given by the raiding party, the accused persons fled from the spot. It is alleged that the panchas identified that the present applicants were amongst

the accused who fled from the spot. Huge quantity of Mahua country liquor was seized from the spot.

4. Heard the learned Advocate for the applicant and the learned Additional Public Prosecutor. Perused the case diary.

5. *Prima facie* there appears no material to connect the applicants with the illicit liquor seized by the police authorities. The applicants have no criminal antecedents. The applicants were granted interim protection on 30/03/2021 and they have attended the Police Station and cooperated in the investigation. Since the contraband is already seized, custody of the applicants is not necessary at this stage.

6. Hence the following order :

(i) Application is allowed in terms of interim order dated 30/03/2021.

(ii) The applicants shall attend the concerned Police Station as and when called by the Investigating Officer, till filing of the charge-sheet.

(iii) Applicants shall not tamper with the prosecution evidence.

JUDGE