

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

CRIMINAL APPLICATION (ABA) NO. 268/2021
(Shankar s/o Sukhdeo Roy vs. The State of maharashtra (Th: PSO PS
Chamorshi Dist. Gadchiroli)
and

CRIMINAL APPLICATION (ABA) NO. 269/2021
(1.Subrat s/o Premanand Haldar and two others vs. The State of
Maharashtra (Th: PSO PS Chamorshi Dist. Gadchiroli)

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

Court's or Judge's order

.....
Mr.R.R.Vyas, Advocate for the applicants in both the matters
Ms.Shamshi Haider, APP for respondent -State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 11th June, 2021.

1. Hearing was conducted through video conferencing and the learned counsel for both sides stated that the audio and video quality was proper.

2. The applicants have filed the present Applications under Section 438 of the Code of Criminal Procedure, seeking anticipatory bail for the offences punishable under Sections 65(e), 83 of the Maharashtra prohibition Act, in respect of Crime No.111/2021 registered at Police Station Chamorshi, Dist. Gardchiroli.

3. As per the prosecution case, a secret information was received by the police and on that basis, a raid was conducted in the house of the applicant/accused-Manohar Keshav Kale {ABA No. 269/2021} wherein eight boxes containing 800 nips, each containing 90

ml. country liquor of "supersonic" brand was found. The *muddemal* was seized accordingly and the report came to be lodged. The allegations against the applicant/accused-Shankar Roy, are that he has supplied the liquor to accused-Manohar.

4. The applicants were granted interim bail by this Court by me on 29th April, 2021.

5. As of today, there are no complaints against the applicants that they have misused the liberty granted by this Court.

6. Learned Advocate for the applicants vehemently submits that already the liquor has been seized by the police vide *panchnama* dated 15.3.2021; so also the vehicle belonging to accused-Shankar has also been seized. Therefore now the custodial interrogation of the accused is not required as such.

7. The learned APP submits that accused-Shankar is a habitual offender and similar type of offences are pending against him. According to her, custodial interrogation of the applicants is necessary.

8. After hearing both sides and perusal of the case papers and considering the fact that liquor in dispute as well as the vehicle in which the alleged transportation had taken place, is also taken charge by the police, in my considered view, the custodial interrogation of the accused is not required and, as such, they are entitled for grant of bail. Hence the order:-

ORDER

The interim order of bail granted by this Court on 29.04.2021 is hereby confirmed, on the same terms and conditions enumerated therein. The Application stands disposed of.

APPP: 268 and 268 both of 2021.

In view of the disposal of the main Application, both the Applications do not survive. The same are disposed of.

The order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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