

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

CRIMINAL APPLICATION (ABA) NO. 369/2021

Naresh S/o Ramlu Marakwar

VERSUS

State of Maharashtra

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

Court's or Judge's Orders

Shri S. V. Sirpurkar, Advocate for applicant.
Shri M. J. Khan, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 04.08. 2021.

Heard.

2. In anticipation of arrest in Crime No. 196/2021 registered with the Police Station Bhadrawati, Tah. Bhadrawati, Dist. Chandrapur for the offence punishable under Section 65(e) and 83 of the Maharashtra Prohibition Act read with Section 188 of the Indian Penal Code, the applicant claimed for pre-arrest bail. It is primly canvassed that, the banned country liquor was neither seized from the possession of accused not it was brought on the spot from the accused. The State resisted bail by filing reply-affidavit. It is contended that as per First Information

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Report (FIR) applicant ordered the banned country liquor.

3. It is the prosecution case that on receiving of tip-off on 06.06.2021, the Police went to the specific place i.e. house of one Manoj Kathare and seized the stock of country liquor which was the then banned in the District Chandrapur. Three persons were apprehended on the spot with stock of country liquor. During interrogation, it was disclosed that the said liquor stock was ordered by the applicant and was supplied by one Bandu Ambedkar. Prima facie, it is evident that neither the liquor stock was supplied by applicant nor it was found in his possession. The State has pointed two previous offence against the applicant, however as in existing crime, there is no sufficient material against the applicant, his liberty can be curtailed. In view of that following order:-

(I) Ad-interim order dated 24.06.2021 is hereby made absolute on same terms and conditions with modification that the applicant shall attend concerned Police Station on every Sunday and Wednesday in between 11.00 a.m. to 02.00 p.m. till

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filing of charge-sheet.

(II) Application stands allowed and disposed
of.

JUDGE

Gohane.