

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

CRIMINAL APPLICATION (ABA) NO. 403/2021

Dinesh Digambarrao Kshirsagar Vs. 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 P. R. Agrawal, Advocate for applicant.
Shri A. Damle, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 12.08. 2021.

Heard.

2. In anticipation of arrest in Crime No. 690/2020 registered at Police Station Ballarsha, Dist. Chandrapur for the offence punishable under Sections 65(e) and 83 of the Maharashtra Prohibition Act, the applicant is apprehending his arrest.

3. While claiming pre-arrest bail, it is submitted that neither the applicant was found along with seized liquor nor he has any concerned with seized articles. It is argued that only on the basis of statement of co-accused which is inadmissible, the applicant cannot be kept behind bar. The State resisted bail by filing reply-

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affidavit, particularly, statement of co-accused and some antecedents have been shown against the applicant.

4. On getting tip off, the Police have raided on the spot and apprehended two persons along with stock of country liquor which was the then prohibited in Chandrapur District. At that time, two persons ran away whose names were also disclosed by the co-accused. Only material pressed against the applicant is the statement of co-accused Sidharth who stated that he has purchased liquor stock from the applicant. Already the illicit liquor has been seized. Though there are three prior offences against applicant, merely on that basis, applicant's liberty cannot be curtailed, if there is no sufficient material in existing crime. Offences are punishable with imprisonment which may extend to five years only. Now, nothing is required to be seized and therefore purpose of investigation would be complied by directing the applicant to join the course of investigation. In view of that, following order:-

(I) Application stands allowed and disposed of.

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(II) Ad-interim order dated 08.07.2021 is hereby made absolute on same terms and conditions with further directions to continue to attend concerned Police Station as directed earlier till filing of charge-sheet.

JUDGE

Gohane.