

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

CRIMINAL WRIT PETITION NO.756 OF 2021

Ramdas Jagannath Jaiswal

Vs.

The State of Maharashtra through the Police Station Officer, Dharni Police Station,
Dharni, Dist. Amravati

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

Court's or Judge's orders

Mr. S. S. Jagtap, Advocate and Mr. S. G. Jagtap, Advocate for petitioner.
Mr. I. J. Damle, APP for respondent/State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 04/01/2022

Heard Mr. Jagtap, learned counsel for the petitioner, who submits that the petitioner was having license, and therefore, the action on the part of the respondent, in making the seizure of 37 boxes of 90 ml country liquor, 67 bottles of 180 ml country liquor and 3 boxes of beer was illegal and not justified.

2. Learned APP Mr. Damle, supports the impugned order of the learned Judicial Magistrate First Class as well as the one passed by the learned Sessions Court.

3. A perusal of the order dated 19.06.2021 passed by the learned Judicial Magistrate First Class, Dharni, indicates that though the petitioner was having license to sell country liquor, such sale by the very terms of the license has to be done from a particular premises

specified for that purpose. The seizure admittedly is not from the premises for which the license was granted but from a different premises altogether which is found to be the beer bar being run by one Bhagwandas Jagannath Jaiswal. That being the case, the terms of the license clearly stand violated, and therefore, I do not see any reason to interfere in the order dated 19.06.2021 passed by the learned Judicial Magistrate First Class, or the order dated 28.07.2021 passed by the learned Sessions Judge, Achalpur both of which refused to release the seized goods in favour of the petitioner.

4. The petition is therefore, without any merit and is dismissed.

JUDGE

Sarkate