



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

CRIMINAL APPLICATION (ABA) NO.671 OF 2023

Vyankatesh s/o Narayan Bairwar

Vs.

State of Maharashtra, Through Police Station Officer Police Station, Gadchiroli,
District Gadchiroli

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

Court's or Judge's orders

Mr. I. K. Daudasare, Advocate for applicant.

Mr. S. S. Hulke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/01/2024

1. By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No.647/2023 registered with Police Station Gadchiroli for the offence punishable under Sections 65(e) and 83 of the Maharashtra Prohibition Act.

2. The applicant is apprehending arrest at the hands of police, as crime is registered against him on the basis of report lodged by one Swapnil Shankar Kudawale Head Constable, Police Station, Gadchiroli, on an allegation that he received the secret information about illegal stock of liquor for selling in the house of the accused, hence he conducted the raid and during the raid, stock of illicit liquor was seized from the house of the present applicant. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that wife of the present applicant is also made an accused against whom the Investigating Officer has issued the notice under Section 41A of Cr.PC. He further submitted that now stock is already recovered, custodial interrogation of the present applicant is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application on the ground that the stock of illicit liquor was found in the house. The applicant is habitual offender. Six offences are registered against him. Though he is acquitted from some of the offences, but some offences are still pending against him. Considering the criminal antecedents, it appears that he is a habitual offender, hence discretion cannot be used in his favour and prays for rejection of the application.

5. Having heard the learned Counsel for the applicant, learned APP for the State and perused the investigation papers. The illicit liquor stock is seized from the house of the present applicant. There are criminal antecedents against him which shows that the serious offences are also registered against him and the several cases are still pending in a competent Court. Considering the criminal antecedents against the present applicant, it is not a fit case wherein discretion can be

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used. In view of that, application deserves to be rejected. Accordingly, application is rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate