

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**956 CRIMINAL WRIT PETITION NO. 760 OF 2025**

RAJESH RAMESH JAISWAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Vishal Bagadiya, Advocate for the petitioner.

Mr. S.R. Wakale, A.P.P. for respondent – State.

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**CORAM : SANDIPKUMAR C. MORE AND  
Y.G. KHOBRAGADE, JJ.**

**DATED : 17 DECEMBER 2025.**

**Per Court :**

1. Heard rival submissions.
2. Present writ petition is filed by petitioner Rajesh Ramesh Jaiswal, who is the original accused No.2 in Crime No.134 of 2024 dated 16.04.2024 registered with Goregaon Police Station, Hingoli for the offences punishable under Sections 65(e), 81 and 83 of the Maharashtra Prohibition Act.
3. By way of this petition, petitioner has prayed for quashing of aforesaid F.I.R. alongwith charge-sheet and criminal proceeding bearing S.C.C. No. 786 of 2025 and issuance of process order dated 27.05.2025 passed by Chief Judicial Magistrate, Hindoli.

4. It is the contention of the learned counsel for the petitioner that the petitioner is the owner of country liquor shop under valid licence and he had in fact sold the liquor stock in dispute to accused No.1, and therefore, no offence can be established against the present petitioner, even if the F.I.R. and criminal proceeding are taken as true.

5. Learned A.P.P. strongly opposed the application. However, the learned counsel for the petitioner produced on record copy of licence - Form CL-III No. 117. On going through the same, it is evident that the present petitioner is owner of the said country liquor shop holding required licence valid from 01.04.2021 to 31.03.2026. The incident in question is dated 15.04.2024, and therefore, the aforesaid licence was valid during the time of the alleged crime. The co-accused was found carrying 100 bottles of country liquor and he was intercepted. The co-accused had in fact disclosed to police that he had purchased those bottles from the present petitioner. Further, except the statement of co-accused, there is nothing on record to show that the present petitioner has concern with the instant crime.

6. Learned counsel for the petitioner relied on the order of this Court dated 06.07.2023 in Criminal Application No.2265

of 2020, wherein this Court, in the same facts, had quashed F.I.R. and criminal proceedings for similar offence registered with Purna Police Station. On going through the facts of this case, the present case appears to be covered by the aforesaid order. In view of the same, following order is passed.

**ORDER**

- (i) Criminal Writ Petition is allowed.
- (ii) The F.I.R. in Crime No.134 of 2024 dated 16.04.2024 registered with Goregaon Police Station, Hingoli for the offences punishable under Sections 65(e), 81 and 83 of the Maharashtra Prohibition Act, alongwith charge-sheet and consequent criminal proceeding bearing S.C.C. No. 786 of 2025 and issuance of process order dated 27.05.2025 passed by Chief Judicial Magistrate, Hingoli, stand quashed and set aside.
- (iii) Petition is accordingly disposed of.

**(Y.G. KHOBRADE)**  
**JUDGE**

**(SANDIPKUMAR C. MORE)**  
**JUDGE**