

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

924 CRIMINAL WRIT PETITION NO. 1220 OF 2025

PARESH NITIN MAHAJAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Rodge Krishna Pratap & Mr. Chetan Deshmukh, Advocate for
the Petitioner

Mr. S. P. Sonpawale, APP for Respondent-State

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

DATED : 12/11/2025.

P. C. :

1. Heard rival submissions.
2. The petitioner is seeking a direction to re-examine the Toddy sample obtained from his shop through the Haffkine Institute, Mumbai, or any other authorized laboratory in his presence. The learned APP points out that the said sample has already been examined by the same institute and a report dated 20/06/2025 has been received, stating that the poisonous substance *Chloral Hydrate* was found therein.
3. Learned counsel for the petitioner submits that the Toddy sample was collected on 24/02/2025, but was sent belatedly to the said institute, which is contrary to the observations contained in the circular issued by the Commissioner of Excise, State of Maharashtra, dated 21/10/2003. However, since the Toddy sample

has already been examined and no provision has been shown by the learned counsel permitting re-examination of such a sample, the same cannot be directed at this stage. An offence has already been registered and the petitioner may take up an appropriate defence during the course of trial.

4. Learned counsel for the petitioner further submits that the petitioner's license has been cancelled and under Section 54 of the Prohibition Act, a license cannot be cancelled unless the accused is held guilty. However, we are not dealing with that issue in the present petition, which is confined only to the prayer for re-examination of the Toddy sample. As such relief claimed is not permissible at this juncture. As such, we find no substance in the present petition and it stands dismissed accordingly.

(Y. G. KHOBRADE, J.)

(SANDIPKUMAR C. MORE, J.)