



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

CRIMINAL APPLICATION (APL) NO. 1168 OF 2023

APPLICANT : Lokesh S/o Hemant Saval,
Aged about 31 years, Occ - Business,
R/o. Near K.D.K. College,
Indradevi Town, Hanuman Nagar,
Wathoda Road, Nagpur.

V E R S U S

NON-APPLICANT : State of Maharashtra
Through Inspector,
State Excise Department,
Mul Office, Tahsil : Mul,
District : Chandrapur.

Ms. Surbhi Godbole, Advocate for applicant.
Shri A. B. Badar, Additional Public Prosecutor for non-applicant.

CORAM : **ANIL S. KILOR AND**
PRAVIN S. PATIL, JJ.
DATE : **26/03/2025.**

ORAL JUDGMENT : (PER ANIL S. KILOR, J.) :-

1. **Rule.** Rule made returnable forthwith. By consent of learned counsel for the parties, the matter is taken up for final disposal.

2. In the present matter, the offence came to be registered against the applicant and the co-accused under Sections 65(a), (b), (c), (d), (e) and (f), 81, 83 and 103 of the Maharashtra Prohibition Act and under Section 328 of the Indian Penal Code. It is alleged that huge quantity i.e. 14 Barrels approximately 3080

liters of spirit and 500 liters blend spirit along with other material and more particularly, the bottles 90 ML having brand Rocket with batch number was seized from the place which was in possession of accused No.3. The said seized material was sent to Regional Science Forensic Laboratory and on receiving the analysis report, it was found the sample contained 23.58 and 38.78 % v/v of Ethyl and Methyl alcohol.

3. Thereupon, the above referred offence was registered against the accused.

4. There is no dispute about the fact that the premises from where the said alcohol was seized, is not owned and possessed by the applicant. There is also no dispute that the applicant possesses licence to sell alcohol having Registration No.27CQVPS5376JIZP issued by the Government of India under 10(1) in Form GST REG-06.

5. It is the case of prosecution that the alcohol seized was sold by the applicant. As the applicant possesses licence to sell alcohol and since he sold the alcohol in question under the said licence, no offence attracts and therefore, the registration of alleged offence against the applicant is contrary to law.

6. In the circumstances, no case is made out against the applicant, we are of the opinion that the application needs to be allowed.

7. Accordingly, application is allowed and Charge Sheet/Crime No.4/2023 dated 25/01/2023 is hereby quashed and set aside as against the applicant.

8. Needless to mention that the proceedings shall continue against the co-accused.

9. Rule is made absolute in the above terms.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)