



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

CRIMINAL APPLICATION (ABA) NO.854 OF 2024

(Dharma s/o Nimai Roy Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R. M. Daga, Counsel for the applicant.
Ms. S. Kolhe, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 16, 2025.

The application is for grant of pre-arrest bail in connection with Crime No.410/2024 registered with Police Station Chamorshi, District Gadchiroli for the offences punishable under Sections 281 of the Bharatiya Nyaya Sanhita, 2023 and Sections 65(a), 83 and 98 of the Maharashtra Prohibition Act, 1949.

2. The crime is registered on the basis of report lodged by the Police Head Constable Akbarshaha Fulsay Poyam on an allegation that while they were on patrolling duty, they received a secret information that some persons are transporting the illicit liquor. Therefore, they intercepted the vehicle bearing No. MH-36-F-0932, however, nobody was found along with the vehicle and they have seized the illicit liquor worth of Rs.8,24,000/-. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned, nothing is on

record to show that he was transporting the said illicit liquor. Even the order of the Sessions Court is silent about the same. Considering the same, the custodial interrogation of the present applicant is not required. As far as the criminal antecedents are concerned he submitted that mere criminal antecedents are not sufficient to reject the application of the present applicant. The role of the present applicant in the present crime requires to be looked into.

4. Learned APP strongly opposed the said application and submitted that series of offences are registered against the present applicant in all 15 in numbers. Considering the criminal antecedents against the present applicant, his involvement in transporting the illicit liquor is revealed during the investigation. In view of that the application deserves to be rejected.

5. After hearing both the sides and on perusal of the recitals of the FIR as well as the investigation papers it reveals that on vehicle was intercepted bearing No.MH-36-F-0932. During investigation, nothing is revealed to the investigating agency to show that either the said vehicle belongs to the present applicant or present applicant is connected with the stock which is seized. Except the statements of the witnesses nothing is on record to show his connection with the alleged offence. Considering the same, merely because the criminal antecedents is not sufficient to reject the prayer of the present applicant for

grant of anticipatory bail. Accordingly, I proceed to pass following order.

(i) In the event of arrest, the applicant - Dharma s/o Nimai Roy in connection with Crime No.410/2024 registered with Police Station Chamorshi, District Gadchiroli for the offences punishable under Sections 281 of the Bharatiya Nyaya Sanhita, 2023 and Sections 65(a), 83 and 98 of the Maharashtra Prohibition Act, 1949, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station once in a week i.e. on every Sunday between 10.00 a.m. to 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigating agency.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(iv) The applicant shall not indulge himself in similar type of the activities.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)