



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

CRIMINAL APPLICATION (APL) NO.1841/2025

(Shri Jivan S/o Dattatraya Wankhade Vs. State of Maharashtra and another)

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

Court's or Judge's orders

Mr. C.S. Dharmadhikari, Advocate for the applicant.
Mr. N.B. Jawade, A.P.P. for the non-applicant No.1/State.
Mr. A.R. Fule, Advocate for the non-applicant No.2.

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED: 29.4.2026.

The applicant has filed this application for quashing the F.I.R. and charge sheet in Crime No.748/2025 for the offence punishable under Section 85(1) of the Maharashtra Prohibition Act.

2. On 6.11.2025 at about 05.45 p.m., the complainant/non-applicant No.2, who was working as a Senior Security Officer at M.S.R.T.C., Akola, received a phone call from Shri Nandakumar Kolarkar, General Manager of said Corporation informing that the applicant has consumed liquor while on duty and he asked the complainant to visit the spot and verify the same and after verification, to take appropriate action against the applicant.

3. As such, the complainant along with Suresh Rathod, Priti Sarode and Driver Ganesh Borkar went on the spot at about 10.00 p.m. and found that the applicant was under the influence of liquor in the premises of depot. Therefore, a complaint was lodged against the applicant and the crime is registered against him.

4. The learned Advocate for the applicant has stated that the offence under Section 85 will not be attracted against the present applicant as he was only in a state of intoxication and he was not

behaving disorderly. To attract the offence under Section 85 of the said Act, it is necessary to behave in a disorderly manner under the influence of liquor. In support of his contentions, he has placed reliance on the judgment of this Court in Criminal Application (APL) No.353/2020 (Mr. Jagdish S/o Vasudeo Lanjewar V/s. State of Maharashtra), delivered on 11.9.2020.

5. According to him, though the applicant was found in the office premises in a drunken condition, as his residence is also in the same premises, it cannot be said that he was on duty between 09.30 to 10.00 p.m. Hence, prayed to quash and set aside the crime registered against the applicant.

6. The learned Advocate for the non-applicant No.2 opposed the application stating that the applicant was on duty and he was found in a drunken condition. Though he was not behaving disorderly, he was found on duty and was in a drunken condition. The above judgment on which the learned Advocate for the applicant has placed reliance can be differentiated as it is not about consuming liquor on duty. Hence, prayed to reject the application.

7. The learned A.P.P. opposed the application stating that the applicant was on duty and found in a drunken condition. Hence, the trial is necessary and prayed to reject the application.

8. Heard the learned Advocates for the parties and perused the record.

9. The offence alleged against the applicant is under Section 85 of the Maharashtra Prohibition Act.

10. After considering the above judgment and Section 85 of the Act, it is clear that only intoxication is not sufficient to attract the said

offence. There are no allegations that he was misbehaving or behaving disorderly which is an essential ingredient to attract offence under Section 85 of the Act. Considering the fact that the applicant was found under the influence of liquor at 10.30 p.m. for which information was given at 05.45 p.m. and the applicant's residence is in same premises, the offence is not made out against this applicant.

11. The F.I.R. and charge sheet in Crime No.748/2025 for the offence punishable under Section 85(1) of the Maharashtra Prohibition Act filed against the applicant are quashed and set aside subject to applicant's depositing costs of Rs.10,000/- with the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No.129712010001014 and IFSC Code UBIN0812978 and producing the receipt thereof on record within two weeks.

12. The application is allowed in the above terms and disposed of.

(MRS. VRUSHALI V. JOSHI, J.)