

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK

AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application. No.95 of 2022

CNR No.MHNS010002502022



Ali Mohammad (Baba) Miya Ahmad Furniturewala

Age : 29 years, Occ : Business

R/o : Deolali Camp, Nashik. ... Applicant/accused.

V/S

State of Maharashtra

Through Inspector, Excise

Department, Nashik.

Deolali Camp Police Station,

(C.R. No.I-08/2022) ... Respondent/State.

Appearance :

Ld. Adv. Shri. Z. H. Inamdar for Applicant.

Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent.

ORDER BELOW EXH. NO.1

(Delivered on 28th January, 2022)

1. This is an application filed under Section 439 of Criminal Procedure Code for grant of regular bail in Crime No. I-08/2022 registered with the respondent Deolali Camp Police Station for an offence punishable under Sections 65-(A), (B), (C), (D) (E), (F), 81, 83, 90 & 103 of Maharashtra Prohibition Act and under Section 328 of the Indian Penal Code, 1860.

2. Perusal of the F.I.R. reflects that on secret information, raid was conducted by the respondent and they found applicant and one more accused preparing illicit country liquor without license. The illicit country liquor came to be seized by the respondent and the

applicant came to be apprehended on the spot. Co-accused absconded from the spot. Thereafter, the matter came to be reported to the Police.

3. It is the case of the applicant that, investigation is almost completed. The absconding accused also came to be arrested. One more accused came to be enlarged by this Court on bail. Offences alleged are not punishable with imprisonment for life or death and ready to abide by the terms and conditions. Therefore, prayed to allow the application.

4. Respondent filed their say vide Exh.4 and objected on the ground that the applicant was raid handedly arrested on the spot of incident with illicit country liquor. Further investigation is in progress. The offences alleged are serious and there is a loss of revenue to the Government, as well as it is injurious to the health of the public at large. Therefore, prayed to reject the application.

5. Heard Ld. Advocate for the applicant and Ld. A.P.P. for the State.

6. Upon hearing and going through the material placed on record, what can be gathered is that, on a secret information received by the respondent, raid was conducted and the applicant was arrested on the spot. Whereas, another accused ran away from the spot. The muddemal came to be seized by the respondent under the panchanama. The alleged offence though is against the public health and revenue loss is there to the Government, but the fact is that as far as investigation as regards, this applicant is concerned, it is over. The absconded accused is also arrested. No purpose will be served in keeping the applicant behind the bar, when he is otherwise entitle for

bail. Offences alleged are not punishable with imprisonment for life or death. Moreover, it is triable by the Ld. J.M.F.C. Therefore, this Court finds that, discretion can be invoke in favour of the applicant and he can be admitted to bail. In the result, the application succeeds. Hence, the order.

O R D E R

1. Criminal Bail Application No.95/2022 is allowed.
2. Applicant Ali Mohammad (Baba) Miya Ahmad Furniturewala be released on bail on his executing a personal bond of Rs.15,000/- with one solvent surety in like amount to the satisfaction of the concerned J.M.F.C. Court.
3. Applicant Ali Mohammad (Baba) Miya Ahmad Furniturewala not to commit similar offence in future and to co-operate the Investigating Officer as and when he calls under prior written intimation.
4. Bail before the concerned Ld. J.M.F.C..
5. Office to inform this order to the respondent (I.O.).
6. In the above terms, application stands disposed off accordingly.

Place : Nashik.
Date : 28/01/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.