

CNR No. MHGA-01-000001-2018

Misc.Cri.Bail Appln. no.1/2018

Kishor Ramgirwar .vs. State
and

CNR No. MHGA-01-001416-2017

Misc.Cri.Bail Appln. no.641/2017

Shiva @ Pranay .vs. State

Below Exh.no.1

Common O R D E R (Below Exh.1)

(In Misc.Cri.Bail Applns No.1/2018 and 641/2017)

(Passed on 3rd day of January, 2018)

1] Since both the applications are arising out of the same crime common order is passed.

2] Both the applicants are claiming anticipatory bail in Crime n.169/17 registered by P.S. Aheri for the offences punishable under Sections 65(e), 83 of Maharashtra Prohibition Act.

3] The learned Counsel Shri Jiwani for the applicants would submit that the applicants are arraigned as an accused on the information of co-accused Sampatrao Torrem. In fact the applicants have no concern with the alleged offence. The alleged stock of liquor is recovered. Applicant Kishor is suffering from serious heart ailment. He is still under the medical treatment. There are no antecedents at his discredit. he is arraigned an accused only on suspicion.

4] The prosecution opposed the application contending that the applicants are involved in the offence of smuggling of illegal liquor. Various crimes are registered against them. Huge quantity worth Rs.39,50,000/- was recovered from the house of Sampatrao Torrem. It is transpired in the investigation that the said liquor was stored by both the applicants. Both the applicants are absconding since the day of registering crime. From where such a huge quantity

..2..

is brought and how many persons are involved in the crime is to be investigated. No fair investigation is possible without custody. Hence, application be rejected.

5] It is not in dispute that the applicant Shiva has the past record of involving in the crimes under Maharashtra Prohibition Act. The investigation needs to be made from him as regards to the source of his supply. The offences under Maharashtra Prohibition Act are mushrooming in the district. Prima facie nothing is to be recovered in the crime. The document placed on record pertaining to the health of applicant Kishor reveals that he is suffering from chest pain. Considering his health he may be released on anticipatory bail on certain conditions. However, there appears no ground to release applicant Shiva on anticipatory bail. Hence, the following order.

ORDER

- 1] The Misc. Cri. Bail Application no.641/17 of Shiva alias Pranay Kishor Ramgirwar stands rejected.
- 2] In the event of arrest applicant Kishor Rajannaji Ramgirwar be released on anticipatory bail on executing P.B. and S.B. of Rs.30,000/- with one surety of like amount in Crime No.169/17 registered by Police Station, Aheri on the condition that he shall attend the Police Station as and when called on written notice.
- 3] Hamdast allowed.

sd/-

Date:03.01.2018

(S.G. Mehare)
Sessions Judge, Gadchiroli.