

**ORDER BELOW EXH. 1**

(Passed on 25/09/2024)

1. The present case is put up before this Court in the Special Drive as per the directions of the Hon'ble High Court *vide* letter bearing B/Gen.1001/2024/1554 dated 22-08-2024.
2. In the instant case the accused is alleged to have committed offence punishable under section **65 (d)** of the Maharashtra Prohibition Act. On going through the record it reveals that the matter is pending for securing the presence of the accused since several dates. It is necessary to note that in spite of several stringent efforts like issuance of non-bailable warrants the presence of the accused could not be secured till date. Moreover, the perusal of the record further supplement the fact that in near future as well the presence of the accused would not be possible.
3. It is also necessary to note that till today, the Chemical Analysis Report is not filed on record. In the absence of the same, it would be difficult to arrive at a conclusion as to whether the seized muddemaal is antiseptic, medicinal, toilet preparation or alcoholic.
4. Considering the aforesaid reasons, the further trial would be a futile exercise. Hence, no purpose would be served in keeping the matter pending as it has already been years altogether. Thus, this is a fit case to resort to section 258 of the Code of Criminal Procedure. Hence, the following order:

ORDER

1. The proceeding of the instant case is stopped vide section 258 of the Code of Criminal Procedure with liberty to the prosecution to revive the proceeding by showing justifiable grounds.
2. The accused is discharged vide section 258 of the Code of Criminal Procedure from the offence punishable under section **65 (d)** of the Maharashtra Prohibition Act.
3. The bail bonds if any of the accused stands cancelled.
4. The seized muddemaal i.e. 7 bottles of country liquor be sent to the Excise Department (if not sent earlier)
5. The seized article in the nature of tyre tube, plastic cans, bags, tubs and other manufacturing and storing equipment, if any, being worthless be destroyed after the appeal period is over (if not disposed off earlier)

Date: 25-09-2024

(Uday S. Ivare)

Judicial Magistrate First Class,

Sangrampur, Buldana