

ORDER BELOW EXH.01 IN SCC NO.19871/2021

1. The present case is put up before this court in the Special Drive as per the directions of the Hon'ble Bombay High Court vide letter O.W.No.1001/2025/1684 dated 02/09/2025 and District legal service authority pune, vide letter O.W.No.1113/2025 dated 03/09/2025.
2. The present charge-sheet is filed for the offence punishable under section 65(e), 83 of the Bombay Prohibition Act. The offence is summary triable and it would be tried speedily. On going through the record, it reveals that the matter is pending for securing the presence of the accused. However, in spite of reasonable efforts, presence of the accused could not be secured. Moreover, chemical analysis report of the sample of alleged liquor is not filed on record, till today. Said report is the foundation of alleged offence. In the absence of the same, it would be difficult to arrive at a conclusion as to whether the seized muddemal is antiseptic, medicinal, tiolet preparation or alcoholic.
3. Considering the aforesaid reasons, the further trial would be a futile exercise. Hence, no purpose would be served in keeping the matter pending. 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 is stopped under section 258 of Code of Criminal Procedure, 1973.
2. The accused is discharged vide sec.258 of the CrPC from the offence punishable under sec. 65(e), 83 of the Maharashtra Prohibition Act.
3. The seized muddemal (if any) liquor be sent to the Excise Department. (if not sent earlier).
4. 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 of earlier).
5. Bail bonds if any is canceled. Cash security if any be deposited to state.

(U.S.M Alamodi)

Date : 12/09/2025.

Judicial Magistrate First Class,
AC court, Pune.