

**ORDER BELOW EXH. NO.1 IN S.C.C. NO.420/2022**

(State of Maharashtra Vs. Adhikrao Bhimrao Kumbhar & Ors.)

**CNR-MHSN-14000899-2022**

The present summons case is registered u/s. 84 of the Bombay Prohibition Act, 1949 against the accused. The Shirala Police Station has filed charge-sheet u/s. 173 of Cr.P.C.. The F.I.R. no. 93/2022 registered against the accused on the ground that they are found at behind Bus Stop of Mangle, Tal.Shirala with drunk the liquor. I carefully perused the Final Report filed by Shirala Police Station against the accused. The Report shows that, the accused was not found in drinking house or the accused was not present in drinking house. The Final Report of Shirala Police Station not shows that the accused is found drunk in drinking house. The present section 84 of the Bombay Prohibition Act 1949 is not attracted against the accused. Hence, the following order.

**ORDER**

1. The proceeding against the accused u/s. 84 of the Bombay Prohibition Act 1949 is stopped u/s. 258 of Code of Criminal Procedure 1973.
2. The accused are discharge u/s. 84 of the Bombay Prohibition Act 1949 as per the sec. 258 of Code of Criminal Procedure 1973.
3. The seized muddemal i.e. 2 bottles of country liquor, one bottle of bislery and 2 plastic glass be disposed off as per rule, more specifically considering Sec.132 of the act and as per notification of the Commissioner of Excise and Prohibition Bombay's Notification no. D.S.81-2/53, Dtd. 1<sup>st</sup> December, 1953 and the Commission of Excise and Prohibition Bombay Notification No. D.S. 81-1/54, Dtd. 7<sup>th</sup> January, 1954 and other notifications, which are enforce, after intimating the accused, after appeal period is over.

Dated: 14/10/2022  
Shirala.

(Priti A. Shriram)  
Judicial Magistrate F.C., **Shirala**

## **C E R T I F I C A T E**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| Name of the Stenographer | : | V. S. Patil                      |
| Court                    | : | Jt. C.J.J.D. & J.M.F.C., Shirala |
| Date                     | : | 14/10/2022                       |
| Order signed by the      |   |                                  |
| Presiding Officer on     | : | 14/10/2022                       |
| Order uploaded on        | : | 15/10/2022                       |