


MHAU110009072024 	<b><u>Order below Exh.1</u></b> <b><u>in SCC No.424/2024</u></b> (State of Maharashtra Vs. baban Ghagare)
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In view of upcoming National Lok Adalat Hon'ble High Court of Bombay and District & Session's Court, Aurangabad vide **Circular No. B (Gen)-625/2026 dtd. 16/02/2026 directed to undertake Special Drive Dt. 09.03.2026 to 13.03.2026 and Letter of District Legal Service Authority** to dispose of ineffective matters U/s 256 and 258 of Cr.P.C. Accordingly instant matter is fixed today for necessary order.

2. Perused *roznama* and the record. The accused is charge-sheeted for offence punishable under section 65(e) of Bombay Prohibition Act. Matter is awaiting C.A. report since long. In the absence of C. A. report it is very difficult to arrive at the conclusion that whether seized article is antiseptic, medicinal, toilet preparation or alcoholic. The charge-sheet is filed on 03/08/2024. Till today C . A. report is not filed by prosecution.

3. Hon'ble Bombay High Court in **Mulchand Raka Vs. State of Maharashtra 1996 (1) Bom. C. R. 316** held that section 258 of Cr.P.C. can be resorted to where the Special or unusual circumstances exist such as non appearance of accused within considerable amount of time. The said ratio is applicable to the case in hand. Therefore there is no sufficient reason to proceed with the case. Hence there is no propriety in keeping the case pending further as the case is already more than 1 years old.

4. For the reasons stated proceeding requires to be stopped with the liberty to the prosecution to revive the proceeding on the

arrest or securing presence of the accused by showing justifiable grounds. Hence the order-:

<b><u>ORDER</u></b>	
1.	The proceeding is hereby stopped <i>vide</i> S. 258 of Cr.PC.
2.	The accused namely <b>Baban Dhondiba Ghagare</b> stands discharged of the alleged offences <i>vide</i> S.258 of Cr.PC.
3.	The seized muddemal namely देशी दारु भिंगरी संत्राच्या 180 ml, 39 bottles be handed over to State Excise Dept., Aurangabad for necessary disposal as per rules after appeal period is over.
4.	Bail bonds stand canceled, if any.

(Dictated and pronounced in open Court)

Phulambri  
Date-12.03.2026

(Chandrakant R. Patil)  
Judicial Magistrate F. C., Court No. 2,  
Phulambri