


MHAU110010662021 	<u>Order below Exh.1</u> <u>in SCC No.520/2021</u> (State of Maharashtra Vs. Nilesh Panchal)
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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. The case is pending for securing presence of the accused. Awaiting summons against the accused. The Accused is absent since long. Ample opportunity is given to the prosecution to secure presence of accused. No steps has been taken.

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 4 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-:

<u>ORDER</u>	
1.	The proceeding is hereby stopped <i>vide</i> S. 258 of Cr.P.C.
2.	The accused namely Nilesh Subhashrao Panchal stands discharged of the alleged offences <i>vide</i> S.258 of Cr.P.C.
3.	The seized muddemal namely देशी दारु भिंगरी संत्राच्या 180 ml, 18 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