

CNR- MHBU080002712025

S.C.C.No.133/2025

State -Vs.- Balu

ORDER BELOW EXH.1

(Passed on- 11/03/2026)

The Hon'ble Bombay High Court by letter No.B(Gen)-1001/2026/229, dated 18/02/2026, directed to hold a Special Drive. Hence, I have taken this case for today's Special Drive for appropriate order.

2. The police have submitted the charge sheet for the offence punishable under Section 65(e) of the Maharashtra Prohibition Act. Perused record and proceeding of the case, it shows that the accused is absent since filling of the charge-sheet. In-spite of issuance of warrant, the police officials have neither submitted the report nor secured the presence of the accused. As such, there is no possibility of presence of accused in near future. Therefore, it is difficult to proceed with the case in a normal way. Moreover, the investigating officer has failed to file report of chemical analyzer to substantiate the contention that the alleged muddemal was containing alcohol. Therefore, it is very difficult to arrive at the conclusion that the seized muddemal is alcoholic. Therefore, considering the above discussion and nature of case, no purpose would be served by keeping it pending on the file of this Court.

3. Considering above circumstances, this is the fit case for invoking powers under Section 281 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, I pass the following order.

ORDER

1. The proceeding is stopped vide Section 281 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The accused is discharged.
3. The seized property if not disposed by the police, it shall be sent to the State Excise Department, Malkapur, Dist. Buldhana for disposal after appeal period is over as per rule.
4. The original police papers be retained in "C" file for their use in the event of re-opening the case under Section 337(5) Bharatiya Nagarik Suraksha Sanhita, 2023.

Place: - **Nandura**

Date: - **11/03/2026**

(Kiran V. Lunge)

Judicial Magistrate First Class,
Nandura, Dist. Buldhana.