

CNR- MHBU080005132024

S.C.C.No.223/2024
State -Vs.- Ganesh

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 Excise Office has submitted the charge sheet for the offence punishable under Section 65 (d) of the Maharashtra Prohibition Act. Perused record and proceeding of the case, it shows that the accused is absent since filing of Charge Sheet. In spite of issuance of warrant, the Excise Office has failed to secure the presence of 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. On perusal of the Charge Sheet, it appears that 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 258 of Code of Criminal Procedure, 1973. Hence, I pass the following order.

ORDER

1. The proceeding is stopped vide Section 258 of Code of Criminal Procedure, 1973.

2. The accused is discharged.
3. The seized property if not disposed, it shall be disposed 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 300(5) of the Code of Criminal Procedure, 1973.

Place: - **Nandura**

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

(Kiran V. Lunge)
Judicial Magistrate First Class,
Nandura, Dist. Buldhana.