

ORDER BELOW Exh. 1

[Passed on 24.07.2024]

Instant case is taken in special drive. The Charge-Sheet came to be filed against accused for the offence punishable under Section 65(b,c,d,e,f) of The Maharashtra Prohibition Act. Record shows that, since filing of charge sheet i.e 09.06.2022 the Chemical Analysis report is not filed on record. In absence of C.A. report, it will be a futile exercise to conduct the trial as it would be difficult to arrive at a conclusion as to whether the seized muddemaal is antiseptic, medicinal, toilet preparation or alcoholic. Hence, in such background, no purpose would be served by keeping the matter pending. Therefore this is a fit case to utilize the provision contained under Sec. 258 of the Cr.P.C. In the result, I pass following order -

ORDER

1. The proceeding is stopped under Section 258 of the Code of Criminal Procedure.
2. The accused namely Arun Waman Tayade is hereby released (discharged) for the offence punishable u/sec. 65 (b,c,d,e,f) of the Maharashtra Prohibition Act.
3. His Bail-Bonds stands cancelled.
4. Seized Muddemal be sent to Excise Department, for disposal according to law after appeal period is over (if not sent earlier).

Date -24.07.2024

[Megha D. Dajjuka]
Judicial Magistrate First Class, Court no.2
Nandura.