

ORDER BELOW EXH.01 IN

S.C.C. NO.143/2023

State Vs. Dadarao

[IN SPECIAL DRIVE]

On perusal of record, it is seen that, charge-sheet came to be filed against accused for the offence punishable under section 65(b),(c),(e),(f) of the Maharashtra Prohibition Act. It is the prosecution case that, accused illegally found in possession of 70 Ltr. of Moha chemical with 1 drum, 600 Ltr. Moha chemical with 3 plastic can, 15 Ltr. of brewery liquor with plastic can, 11 Ltr. of brewery liquor with 1 steel pot, of total worth Rs.17,230/-. Considering allegations leveled against accused prima-facie case should have been proved by prosecution by furnishing proof that, the muddemal possessed by accused was liquor. Unless filing C.A. report said factum could not be prima-facie proved. On scrutiny of record it appeared that, concern I.O. failed to file report of Chemical Analysis where necessary direction was given to him for furnishing said report. Even then I.O. failed to file C.A. report on record. In this backdrop, it is difficult to issue process against accused and proceed further with matter as per law. Hence, there is no alternative except to pass following order.

ORDER

1. The proceeding stands stopped vide section 258 of Criminal Procedure Code, 1973.
2. The accused stands discharged of the offence punishable under section 65(b),(c),(e),(f) of the Maharashtra Prohibition Act.
3. Seized Muddemal liquor be sent to concern State Excise Department for its disposal as per rules.

Date :- 08/05/2026

(M.V. Poul)
Judicial Magistrate First Class,
(Court No. 3), Chikhali.