

MHDH050002002026



S.C.C. No.65 of 2026
State Vs. Shobhabai Bapu Malusare

ORDER BELOW EXHIBIT 1
(Passed on 11th March, 2026)

The matter is on today's board in special drive, which has been organized as per the directions of Hon'ble Registrar (Inspection-I), High Court (Appellate Side) Bombay, Letter No.B(Gen)-1001/2026/223 dated 18.02.2026. This is a summons case instituted in respect of commission of offence punishable under **Section 65(E) of Bombay Prohibition Act**. On perusal of FIR, it is apparent that, alleged offence is committed dated 13.11.2025 whereas, the charge-sheet is filed dated 02.02.2026 whereas, till today no C.A. Report is filed on record.

2. In instant matter, the accused is allegedly found in possession of liquor unauthorized with an intention to sale it. However, on perusal of charge-sheet and annexed documents thereto, it is apparent that, material evidence such as Chemical Analysis report (C.A. Report) is not on record. Eventually, *prima-facie* there is no material on record to prove that, the accused had indulged in any act to attract offence punishable under **Section 65(E) of Bombay Prohibition Act**, in view of absence of C.A. report on record. So, there is nothing to accept even on *prima-facie* basis that, the ingredients of **Section 65(E) of said Act** is attracting in the instant matter. In view of absence of material record, it would be unnecessary to call the accused to face the proceeding. Above all, if the proceeding is continued with the material on record it would be an abuse of the process of the Court.

3. The present case is stale and ineffective. In such circumstances, in my opinion keeping the file on daily board is nothing but

futile exercise. Therefore, this Court is of the opinion that, the present case is fit for stoppage of the proceeding **under Section 258 of Code of Criminal Procedure**. Hence, this Court pass the following order.

ORDER

1. The proceeding is stopped under **Section 258 of Code of Criminal Procedure**.
2. Accused namely **Shobhabai Bapu Malusare** is discharged from the offence punishable under **Section 65(E) of Bombay Prohibition Act**.
3. Cash security if any, be refunded to the accused after appeal period is over.
4. The muddemal liquor if not disposed, it may be sent to the Superintendent of State Excise Department, for disposal after appeal period is over.
5. Property seized at the time of seizure panchanama being worthless be destroyed and if it is of worth be sold in public auction and sale proceeds be credited to the Government after appeal period is over.
6. The cash amount, if any, obtained at the time of personal search of accused be credited to the State Government, after appeal period is over.
7. The bail bond of accused stands cancelled (if any).

Sakri.
Date : 11.03.2026.

Sd/-
(Mugdha M. Gangurde)
Judicial Magistrate First Class, Sakri