

**S.C.C. No. 116/2021**  
**Excise Vs. Ashok**  
**U/s. 69 of Prohibition Act**

**ORDER BELOW EXH.01**  
(Special Drive dtd. 10/03/2026)

Today is the special drive as per circular issued by District Court, Nagpur O.W. No. 217/TW-JB/2026 dated 21/02/2026 for disposing unattended, petty, stale, ineffective and old miscellaneous cases.

2] The present case is registered as Summary Criminal Case. The case is pending and accused is absent since long. The prosecution is failed to secure presence of accused in spite of various opportunities. Therefore, it is very difficult to proceed the matter.

3] In case of Mulchand Motilal Raka Vs. State of Maharashtra, 1996 (1) Bom. Cri. 316, it is held by the Hon'ble High Court that the proceeding stopped under Section 258 of Cr.PC. can be restored in case of special or unusual circumstances exist.

4] The accused is absent before the Court for considering the long period. In the given set of circumstances, there is no point to keep this matter pending for want of prosecution. Hence, this is the appropriate case deserving closure under Section 281 of BNSS, 2023. Therefore, in order to avoid the docket explosion, I pass the following order :

**ORDER**

1. The proceeding of the instant case is stopped vide Section 281 of BNSS, 2023, with liberty to the prosecution to revive the proceeding on the arrest or securing presence of the accused by showing justifiable grounds.

2. 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 Criminal Procedure.
3. Bail Bonds / Cash Security furnished by accused stands forfeited.
4. Seized muddemal 140 kg Mohaful being worthless be destroyed as per rules, after appeal period is over.
5. Seized Muddemal i.e. Super Splendar Company motorcycle bearing Registration No. MH-40-BAM-6173, if not given on Supratnama, be given to the respective owner after appeal period is over.
6. Matter be disposed off accordingly.

Ramtek.  
Date : 10/03/2026.

Sd/-  
(D. C. Vorani)  
Judicial Magistrate F. C.  
Court No.2, Ramtek.