

ORDER BELWO EXH. 1 IN SCC No. 1381/2020

(State Vs. Abhay)

1. The Hon'ble High Court directed to conduct special drive programme today vide letter bearing OW No. B/Gen/1001/2025 dated 12/11/2025. Accordingly this matter is taken in today's special drive.

2. Perused the record. The alleged offence is punishable under Section 65 of Prohibition Act. On going through case record it reveals that matter is pending to secure presence of accused. In spite of reasonable efforts, presence of accused could not procure since last four years. Whereabout of the accused is unknown since last three years. Further-more, the incident is alleged to be taken place on 12/09/2016 and seized chemical is seen to be sent for analysis on 29/09/2026. Where alleged chemical has been kept in said duration, is not seen to be disclosed anywhere. The statement of chemical carrier is not seen to be recorded. Therefore, the possibility of tempering with its sample in said long duration cannot be ruled out. Therefore, it is highly to risk to draw the conclusion in this prohibition matter that the chemical which is alleged to be seized from accused, has been sent for chemical analysis and obtained report on the basis of same. Thus, considering the nature of offence and proceeding and above mentioned circumstance, no purpose would serve to keep the matter as it is for years together. Hence, following order is passed:-

-:: O R D E R ::-

1. The proceeding is stopped u/s. 258 of the code of Criminal Procedure.
2. Accused be considered as discharged u/s. 258 of the Cr.PC.
3. Pending warrant of accused be recalled by concerned clerk.

4. If seized liquor is pending, it be sent after appeal period to Excise Department for disposal as per rule.
5. If any vehicle is seized in this proceeding, it be returned after appeal period to its registered owner.

Date : 10/03/2026

(V. H. Khedkar)
Judicial Magistrate First Class, Hingna.