

ORDER BELWO EXH. 1 IN SCC No. 2057/2024

(State Vs. Dharmapal)

1. The Hon'ble High Court directed to conduct special drive programme today vide letter bearing OW No. B/Gen/1001/2026/223 dated 18/02/2026. Accordingly this matter is taken in today's special drive.

2. Perused the record. The alleged offence is punishable under Section 65 of Maharashtra Prohibition Act and pending for securing presence of accused. On going through case record it reveals that matter is pending to secure presence of accused. However, prosecution failed to file C.A. report. In the absence of C.A. report it is very difficult to arrive at the conclusion that whether seized article is antiseptic, medicinal, toilet preparation or alcoholic. Considering the nature of offence and proceeding, 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.P.C.
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.

(V. H. Khedkar)

Judicial Magistrate First Class, Hingna.

Date : 10/03/2026