

MHRT050007532022

**S.C.C. No. 405/2022**

State of Maharashtra  
Vs  
Ashok Mahadev Bothare

**ORDER BELOW EXH.01**

1. The matter is taken on today's board for its consideration in the special drive of this week. The accused is charge-sheeted for the offence punishable under section 65(e) of the Maharashtra Prohibition Act, 1949 on the allegation that on 31.03.2022 the accused was found in possession of illicit liquor. After filing of the charge-sheet the prosecution has failed to place the chemical analysis report on record till date. The chemical analysis report is a vital piece of evidence to establish that the seized substance is prohibited liquor within the meaning of the Maharashtra Prohibition Act. The absence of this report makes it impossible for the prosecution to prove the essential ingredients of the alleged offence. In such circumstances, keeping the case pending indefinitely would served no useful purpose. Therefore, this court finds it appropriate to exercise powers u/s.258 of the Cr.P.C. which empowers the Magistrate to stop proceedings in a summons case instituted otherwise than upon complaint. Hence, following order is passed-

**ORDER**

1. The proceeding in S.C.C. No.405/2022 against the accused for the offence punishable under section 65(e) of the Maharashtra Prohibition Act, 1949 is hereby stopped u/s.258 of the Code of Criminal Procedure, 1973 for want of the chemical analysis report.
2. As no evidence of substance has recorded, the accused stands released and case is disposed of accordingly.

3. Bail bonds of the accused if any, stand cancelled.
4. Muddemal property be dealt with as per rules after appeal period.

(Typed and pronounced in open Court)

Date- 10/03/2026

(D.G.Mhaske)  
Judicial Magistrate First Class  
(Court No. 2), Khed.

## CERTIFICATE

I affirm that the contents of this pdf file order are same word as per original order.		
Name of Clerk	:	Shri. J.D.Ambekar
Court Name	:	2 <sup>nd</sup> Jt. CJJD & JMFC Court, Khed
Date of Decision	:	10.03.2026
Order signed by Presiding Officer on	:	10.03.2026
Order uploaded on	:	11.03.2026