

ORDER BELOW EXH. 2 IN SCC NO. 107/2024

1] This is the application moved for seeking disposal of seized liquor in crime No. 326/2023 Registered as SCC No.107/2024.

2] Read the application and say of learned APP. Heard Prosecution. Perused the record. It is submitted that under the Maharashtra Prohibition Act, certain amount of liquor were seized in different quantities. The quantity is so huge that there is no space in the concern police stations for keeping those properties. As a result, concern police officials are facing lot of inconvenience in their day to day working. Other issues relating to the seized muddemal are also arising, which is causing bad effect in the environment. Hence, vide this application the applicant has prayed for disposal of the muddemal.

3] I have gone through the submission of the applicant as well as learned APP. The application is concern, with the muddemal which is in the custody of the concern police station in the pending trial. Section 451 of Code of Criminal Procedure, empowers the court for custody and disposal of property pending trial in certain cases. In addition to that Para 80 of Criminal Manual provides for disposal of muddemal seized under the Prohibition Act.

4] In *Sunderlal Ambalal Desai ..Vs.. State of Gujrat, 2002(10) SCC 283*, Hon'ble Apex Court, in reference to the seized liquor has observed that *“for articles such as seized liquor also, prompt action should be taken in disposing it after preparing necessary panchanama. If sample is required to be taken, sample may kept properly after sending it to the Chemical Analyzer, if required. But in no case, large quantity of liquor should be stored at the police station. No purpose is served by such storing”*.

5] Considering the situation, which has arose in the concerned police stations and for the inconvenience they are facing, in view of the guidelines given by the provisions of the Code of Criminal Procedure, Para 80 Chapter VI of Criminal Manual and the Landmark Precedents set in *Sunderbhai Ambalal Desai's Case* by the Hon'ble Apex Court, this court is inclined to pass the following order.

ORDER

1] Application is allowed.

2] The liquor specified in this application be made over to the

Collector of Excise for disposal as per Para 80 of Chapter VI of Criminal Manual subject to the following conditions :

- [a] The Investigating Officer or the Officer In-charge of the concerned Police Station is directed to prepare detail panchanama in this matter before making over the seized liquor to the Collector of Excise for disposal.
- [b] The Investigating Officer or the Officer In-charge of the concerned Police Station is directed to prepare detail panchanama in this matter before disposal of the muddemal including noting the batch number of each bottle along with its made and quantity.
- [c] The Investigating Officer or the Officer In-charge of the concerned Police Station is directed to obtain receipt of muddemal from the Excise Department specifying the details of the muddemal, its quantity, made and batch numbers.
- [d] The Investigating Officer or the Officer In-charge of the concerned Police Station is directed to record video-graphy about the procedure adopted while dealing with the seized liquor.
- [e] The Investigating Officer or the Officer In-charge of the concerned Police Station is directed to attach the compliance report of this order to this case forthwith.
- [f] The copy of this order be given to the concern police station for compliance.

Seloo.

Dated : 09/07/2024.

[S.W.Shegokar]
Judicial Magistrate, First Class,
[2nd Court], Seloo.