

vide Government Resolution dated 20/07/2018. It transpired that the said container was being driven by Nawab Shaukatali Taumar. It was dispatched by Subhash Sharma, owner of Mahalaxmi Transport. The contraband material was to be unloaded in the godown of the applicant. The said material was, thereafter, to be collected by Mahesh Nanwani. The applicant/accused was apprehended from in front of the said godown premises. Upon the first information report lodged by Satish Subhashrao Hake, Food Safety Officer, the applicant came to be arrested on 26/03/2019.

3. The applicant contends that he has been falsely implicated in the said crime. The applicant is not the owner of the godown in question where the prohibited material was to be unloaded. The applicant has no concern with the alleged transportation, storage and sale of the prohibited material. Even otherwise, the investigation is complete for all purposes. Hence, the applicant be released on bail.

4. The Investigating Officer Ratnadeep Salokhe has filed an affidavit in reply. It is contended that the investigation revealed that the said material was to be unloaded in the godown of the applicant/accused. Since the applicant/accused was found on the spot where the contraband goods were to be unloaded, the involvement of the applicant cannot be questioned. Moreover, the prime accused Subhash Sharma, who had dispatched the prohibited material is yet to be arrested. Hence the application be rejected.

5. Heard Mr.Rahul Sopanrao Kate, Learned counsel for the applicant and Learned APP, Mr.S.R.Shinde for the State.

6. At the outset, it is pertinent to note that the entire prohibited material has already been seized. The FIR proceeds on the basis that the container loaded with the prohibited material was found in front of the godown of the applicant/accused. It is not the case of the prosecution that any of the prohibited material was, in fact, found stored in the godown of the applicant/accused. Nor it is the case that the contraband material was unloaded in the godown of the applicant.

7. Having regard to the time-lag from the date of the arrest of the applicant and the statement of the Investigating Officer that the investigation qua, the applicant is completed, there does not seem to be any justifiable reason to deny bail to the applicant. Hence, I am inclined to exercise the discretion in favour of the applicant. Thus, the following order;

: ORDER :

- (a) The application stands allowed.
- (b) The applicant/accused Vikas Panditrao Mandi be released on bail on furnishing a P.R. bond of Rs.20,000/- (Rupees Twenty Thousand only) and a surety in the like amount.
- (c) The applicant shall not tamper with the prosecution evidence.
- (d) The applicant shall attend Sangli Rural Police Station on every alternate Monday from 11.00 a.m. to 1.00 p.m. till filing of the chargesheet.
- (e) Bail be furnished before the Learned J.M.F.C., Sangli.

(N. J. JAMADAR, J.)