

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL BAIL APPLICATION NO.1527 OF 2019**

|                          |               |
|--------------------------|---------------|
| 1 Jayram Appasaheb Patil |               |
| 2 Sunil Bhausahab Gade   |               |
| 3 Navnath Nagnath Kamble | ...Applicants |
| vs.                      |               |
| The State of Maharashtra | ..Respondent  |

**WITH**  
**CRIMINAL BAIL APPLICATION NO.1359 OF 2019**

|                               |               |
|-------------------------------|---------------|
| 1 Bharat Bhagwanrao Mundhe    |               |
| 2 Pradip Maruti Mundhe        |               |
| 3 Ramesh Mahadevrao Nagargoje |               |
| 4 Prakash Laxman Ghugre       |               |
| 5 Ram Madhav Mundhe           | ...Applicants |
| vs.                           |               |
| The State of Maharashtra      | ...Respondent |

Mr.S.V.Marwadi I/b N.M.Nadar for the applicants  
Ms P.P.Shinde, APP for the State

CORAM : REVATI MOHITE DERE, J.  
DATE : JUNE 3, 2019

P.C.:

1 Heard the learned counsel for the applicants.

2 By these applications, the applicants seek their enlargement on bail in connection with C.R.No.I-60 of 2019 registered with Kasa Police Station, Palghar for the alleged offences punishable under sections 328, 420, 188, 272, 273 and 34 of the Indian Penal Code and section 59 of the Food Safety and Standards Act, 2006.

3 According to the prosecution on 27<sup>th</sup> March 2019 three trucks were intercepted by the police. In the presence of panchas, the trucks were searched. In the search, police found gunny bags containing Gutkha and Pan Masala worth Rs.1,77,27,000/-. Since the gunny bags contained prohibited Pan Masala, the applicants were taken into custody. According to the learned counsel for the applicants, the applicants were working as Cleaners and Drivers on the said vehicles and as such, had no knowledge about the contents in the gunny bags, which were sealed. He submitted that the applicants were only performing their duties as Drivers and Cleaners of the said trucks and therefore, no offence as alleged either under section 328 or 423 of the Indian Penal Code i.e non bailable sections or any other alleged offence can be said to have been made out against the applicants.

4 Although the learned APP opposes the applications she, however, does not dispute the fact that the applicants have no antecedents. She also does not dispute the fact, that the gunny bags which were found in the trucks were in a sealed condition, when the trucks were intercepted.

5 Perused the papers. Three trucks were intercepted on 27<sup>th</sup> March 2019, on the basis of a secret information received by the police. The trucks containing sealed gunny bags, on opening were

found to contain illegal Pan Masala worth Rs.1,77,27,000/-. Admittedly, the applicant Nos.1 and 3 in Criminal Application No.1527 of 2019 are the Drivers and Applicant No.2 is the Cleaner. All the applicants in Bail Application No.1359 of 2019 except applicant No.3 are the Cleaners, whereas Applicant No.3 is the Driver. None of the applicants have any antecedents. The question whether the applicants had knowledge of what was being transported in the trucks in sealed gunny bags, was pan masala, is a matter which will be decided by the Trial Court. It appears that what was mentioned in the receipts is that the consignment was of sanitary napkins. The applicants are in custody since 23<sup>rd</sup> March 2019. Charge Sheet is likely to be filed within a period of two weeks from today.

6 Considering the aforesaid, the applicants are enlarged on bail on the following terms and conditions :

**ORDER**

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- (Rupees ten thousand) each with one or two local sureties in the like amount ;

ii) The applicants shall inform their latest place of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Kasa Police Station, Palghar;

iii) The Applicants shall not tamper or attempt to threaten/influence the complainant or any persons concerned with the case;

iv) The Applicants shall co-operate in the conduct of the trial;

v) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicants' bail.

7 The Applications are allowed and disposed of in above terms.

8 It is made clear, that the observations made herein are prima facie and are confined to these

applications and the learned Judge shall decide the case on its own merits uninfluenced by the observations made herein.

9 Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE,J.)