

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.582/2019

Shripal Prakashchand Bora alias Gotu .vs. State of Maharashtra through
PSO P.S. Digras, Tq. Digras, Dist. Yavatmal.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. A. Mohta, Advocate for applicant.

Mr. S. S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 28, 2019

Applicant is apprehending his arrest in connection with Crime No.414/2019 registered with Police Station, Digras, Tq. Digras, Dist. Yavatmal for an offence punishable under Sections 188, 272, 273, 328, of the Indian Penal Code and Sections 26(2) (i), 27(2)(e), 30(2)(a) and 59 of the Food Safety and Standard Act, 2006.

Heard Mr.Mohta, learned counsel for applicant and Mr. Doifode, learned A.P.P. for non applicant-State.

First Information Report is dated 24.07.2019. Crime is registered on the basis of report lodged by Gopal Vinayak Mahore, Food Safety Officer of Yavatmal. Pertinent to note that name of present applicant is not figuring in the FIR. As per FIR, a Bolero pick-up van was intercepted on Darwha road and when it was searched, it was found that it was having pan masala, gutkha, etc., which are banned articles in the State of Maharashtra. FIR further shows that

the driver of said vehicle is one Shaikh Jakir Shaikh Gaffar. As per the FIR, said driver, on the spot stated that it is his business and contraband is procured by him for himself to distribute and sell in the market.

Application for anticipatory bail is being opposed by learned A.P.P. on the basis of the statement of Shaikh Jakir Shaikh Gaffar, the arrested accused, in which he claimed that contraband belongs to present applicant.

When the driver was not arrested that time, he made a statement that contraband belongs to him, whereas after his arrest, when he was under the thumb of police officer and his statement is recorded, he claimed that the contraband belongs to applicant. That is the solitary piece of evidence against the present applicant.

The learned A.P.P., on a pointed query made by the Court, informed that, after business establishment of the present applicant was searched, nothing objectionable was found in his business establishment. Also, applicant is not having any past criminal record.

In that view of matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.414/2019 registered with Police Station, Digras, Tq. Digras, Dist. Yavatmal for an offence punishable under Sections 188, 272, 273, 328, of the Indian Penal Code and Sections 26(2) (i), 27(2)(e), 30(2)(a) and 59 of the Food Safety and Standard Act, 2006, applicant-Shripal

Prakashchandra Bora alias Gotu, be released on bail on he executing P.R. Bond in the sum of Rs. 50,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Digras, twice in a week i.e. on every Monday and Tuesday till next two months.

The application is disposed of.

JUDGE