

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1645 OF 2021

Babu Mohammed Jamadar .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Viresh V. Purwant for the Applicant.

Mr.S.S.Pednekar, APP for the State.

PSI Amit Sid-Patil attached to Local Branch, Solapur present.

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CORAM: BHARATI DANGRE, J.

DATED : 26th AUGUST, 2021

P.C:-

1. The applicant is arraigned as accused No.3 in C.R.No.626 of 2021 registered with Sangola Police Station on 25/05/2021 invoking Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code (for short, “**IPC**”) and Section 59 of the Foods Security and Standard Act, 2006.

2. The Assistant Commissioner of the Food Department had lodged the complaint about some truck being apprehended on Jalna Road and when the inquiry was made with the driver of the said truck, it was found to be plying the prohibited substance in form of tobacco, pan-masala, scented tobacco, etc. The goods were found to be worth Rs.43,95,000/-. This resulted in registration of the FIR in which the applicant is

attributed the role of supplier of the said prohibitory substance.

3. The submission of the applicant is to the effect that he is a proprietor of 'M/s New Royal Traders' located in Belagavi, Karnataka and he deals in Gutka, Pan Masala, Scented Tobacco. The submission that since there is no prohibition on consumption, sale, transport or manufacture of tobacco in the State of Karnataka, he is legally trading in the said products and in fact he is assigned a VAT account under the Karnataka Value Added Tax Act, 2003 and he submit his regular return. The relevant documents to that effect are placed on record. The submission of the applicant is that he has sold the goods which have been seized in the raid for which the offence has been registered, but the selling of these products is not prohibited in the State of Karnataka and he was unaware about the same being brought in the State of Maharashtra where the notification issued in exercise of power under Section 30(2)(a) of the Foods Security and Standard Act, 2006 is in force, which prohibits the consumption, sale, purchase of gutka, pan masala, scented tobacco or tobacco in any other forms by whatsoever name it is called. In absence of said knowledge attributed to the present applicant, he is entitled for protection in the event of his arrest. Hence, the following order.

: ORDER :

- (a) The application is allowed.

(b) In the event of arrest in C.R.No.626 of 2021 registered with Sangola Police Station, Solapur, Applicant- Babu Mohammed Jamadar shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall report to the PSI, Local Branch, Solapur on 30th, 31st August and 1st September, 2021 between 1.00 p.m. to 4.00 p.m. and thereafter as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.

(SMT. BHARATI DANGRE, J.)