

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

CRIMINAL APPLICATION (BA) NO. 1000 OF 2021

(Guddu s/o Devnarayan Kori and another ..vs.. State of Maharashtra, through PSO, PS Wadki,
District 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, Counsel for the applicants,
Mr. N.R. Rode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 30-09-2021

The applicants are seeking bail in connection with Crime 219/2021, registered with Wadki Police Station, Tahsil-Ralegaon, District-Yavatmal, for offences punishable under Sections 188, 269, 272, 273 and 328 read with Section 34 of the Indian Penal Code, Sections 30(2)(a), 26(2), 27 and 59 of the Food Safety and Standards Act, 2006 and the relevant Rules framed thereunder.

2. The case of the prosecution is that on 13-8-2021 the Food Safety Officer Mr. Ghanshyam Dande received secret information of illegal transportation of banned food material i.e. pan masala (combination of betel leaf and areca nut with or without tobacco). Applicant 1 was driving Truck bearing TS-12/UA-1228 which was approaching Nagpur from Yavatmal and applicant 2 was a Cleaner. The said vehicle was intercepted and searched. The prosecution alleges that contraband worth

more than Rs.46,00,000/- (Rupees Forty Six Lac) was seized from the vehicle. The learned Counsel Mr. S.A. Mohta for the applicants would submit that applicant 1 is the Driver and applicant 2 the Cleaner of the vehicle and were transporting the material from Karnataka to Madhya Pradesh and the material was not meant for sale in Maharashtra. It is further submitted that the applicants have no criminal antecedents and were not even aware of the implication of the transportation of the material.

3. I have perused the material in the case diary and there does not appear to be any impediment in releasing the applicants on bail. *Prima facie*, it does appear that applicant 1 is the Driver and applicant 2 the Cleaner of the vehicle which was intercepted. While the culpability of the applicants is a matter for the trial Court to finally adjudicate, at this stage, a case for bail is made out, particularly since the applicants have no criminal antecedents.

4. The application is allowed.

5. The applicants shall be released on bail on executing personal bond of Rs.15,000/- each with a solvent surety of like amount.

6. The applicants shall not make any attempt to tamper with the evidence or to influence witnesses,

directly or indirectly.

7. The applicants shall attend each date of hearing scrupulously.

8. The applicants shall not leave the country without the permission of the trial Court.

JUDGE

adgokar