

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 817/2021

(Mohd. Salim Pir Mohd Sayani Vs. State of Maharashtra)

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

Court's or Judge's orders

Shri S. A. Mohta, Advocate for applicant.
Shri S. D. Sirpurkar, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 20.12.2021.

Heard.

2. The applicant apprehends to be arrested in Crime No. 398/2021 for offence punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code and Sections 26(2)(i), 27(2)(e), 30(2)(a), 59 of the Food Safety and Standards Act, 2006 registered with the Police Station Ner Parsopant, District Yavatmal for which praying for pre-arrest protection. The bail is claimed on the ground of innocence, false implication, absence of incriminating material etc. The State resisted bail by filing reply-affidavit.

3. Learned counsel for the applicant also seeks for interim protection.

4. It is the prosecution case that while the Police were checking the vehicles, they found two trucks in suspicious conditions, hence they took search. On verification, they found that trucks were carrying contraband articles namely 'Gutka Pouches' worth

Rs. 50,734/- and 62,567/- in those trucks. The Investigating Agency conducted Spot Panchanama and seized banned tobacco material. The small quantity of banned material was taken for the purpose of chemical analysis. The Driver of both trucks were arrested and during interrogation, they disclosed that the applicant is owner of contraband goods. During course of investigation, relevant statements were recorded.

5. *Prima facie*, the applicant's name was disclosed at the time of lodgment of report. It is contended by State that thorough investigation is necessary since the contraband goods are injurious to health. Moreover, it is contended that custodial interrogation is necessary to find out the stock of contraband and connection of others in the racket. The Police pointed that in past, similar nature of Crime No. 115/2019 was registered against the applicant/accused. The alleged offence is of serious nature. On the date of seizure itself, the applicant's complicity was revealed. Seized material affects health of the Society.

6. Having regard to the gravity of the offence thorough investigation is necessary. Therefore, it is not fit case to grant pre-arrest protection. Hence, application stands rejected and disposed of.

JUDGE

Gohane

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