

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.252 OF 2022

Dharmendra Ghanshayamdas Hasani Applicant

Versus

The State of Maharashtra Respondent

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Mr. Chaitanya C. Deshpande, Advocate for the Applicant
Mr. V.M. Kagne, APP for Respondent/State

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[CORAM : S.G. MEHARE, J.]

DATE : 4th JULY, 2022

Per Court :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. Learned counsel for the applicant would submit that the applicant runs a business of *Ghutka* in the State of Gujrat. There is no ban in the State of Gujrat on storing and consuming the scented *Ghutka*. Admittedly, he is the supplier, and he has no control over the purchaser where they do their business. He has his godown and shop in the State of Gujrat. Therefore, he may be protected.

3. Learned APP has strongly opposed the application. He would submit that though the applicant runs his business in the State of Gujrat, he has connections with many other persons who have been involved in the selling of *Ghutka*, which is prohibited in the State of Maharashtra. Therefore, his custodial interrogation is necessary.

4. Admittedly, the sale, purchase and storage of scented *Ghutka* and other chewable tobacco have been prohibited in the State of Maharashtra. The State government has issued circulars on the basis of which the sale and storing of Gutka have been prohibited in the State of Maharashtra. That being a State circular, it would not apply in the other State. Since the business of *Ghutka* is not prohibited in the State of Gujrat, and the applicant runs his business in the State of Gujrat, it would not be appropriate to allow the Maharashtra Police to have a custodial interrogation of the applicant for the recovery of the *Ghutka*. In the peculiar facts and circumstances of the case, the application deserves to be allowed. Hence the following order.

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the applicant **Dharmendra Ghanshayamdas Hasani** by the order dated 09.03.2022 stands confirmed with the modified condition that the applicant shall attend the police station as and when called by the Investigating Officer on written notice.

[S.G. MEHARE, J.]

S.P. Rane