

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

959 BAIL APPLICATION NO.499 OF 2022

Maharudra Narayan Mule ...Applicant

VERSUS

The State of Maharashtra ...Respondent

...
Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondent/State : Mr. V.S. Badakh
...

CORAM : S.G. MEHARE, J.

DATED : 14th JUNE, 2022.

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant has been behind bars since 15.12.2021 for the offence punishable under Sections 272, 273, 328, of Indian Penal Code r/w 130(i), 177 of Motor Vehicle Act, 1988. It has been alleged against the accused that he has stored the Gutkha in the godown hired on rent. The Gutkha worth more than Rs.70,00,000/- was recovered from the warehouse in a raid.
3. Learned counsel for the applicant would submit that in no case Section 328 of the Indian Penal Code would be attracted; however, the dispute as regards the applicability of Section 328 is subjudice before the Apex Court. He also fairly pointed out that some

judgments are in his favour, and some are against him. However, the facts of this case may be considered. He would submit that the applicant has been behind bars for around six months. The material investigation is over, and nothing is to be recovered from him. He is ready to abide by the conditions if he would be enlarged on bail.

4. Learned APP strongly opposed the application contending that this is an offence against the society. Gutkha claimed many lives of youths and citizens. Cancer cases due to tobacco are rapidly rising. There were antecedents at the discredit of the applicant. A huge quantity of Gutkha was found stored by the applicant in a hired warehouse. Considering the gravity of the offence, it would not be safe to release the accused on bail.

5. It is not in dispute that the business of selling Gutkha in the State of Maharashtra has been prohibited long back. Unfortunately, some greedy people are still involved in the smuggling of Gutkha, which is harmful to the health of human beings. Be that as it may, the raid was successful, and the Gutkha worth more than Rs.70,00,000/- was seized. In the present case, the previous antecedents may not be the ground to decline the bail.

6. Having regard to the issue involved in this case and the progress in the investigation, there would be no propriety in keeping the applicant behind bars. However, to guard the apprehension of the prosecution, certain stringent conditions may be imposed. Hence, the

following order :

ORDER

- I) The application is allowed.
- II) The applicant, Maharudra Narayan Mule shall be released on bail in Crime No.197/2021 for the offence punishable under Sections 272, 273, 328, of Indian Penal Code r/w 130(i), 177 of Motor Vehicle Act, 1988 registered with Pimpalner Police Station, District Beed on executing P.B. and S.B. of Rs.2,00,000/- (Two Lakhs) with one or two solvent sureties in the like amount, on the condition that
 - a) He shall not temper with the prosecution evidence.
 - b) He shall not indulge in the same type of offence.
- III) Bail before the learned trial Court.
- IV) Hamdast allowed.

(S.G. MEHARE, J.)