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

917 ANTICIPATORY BAIL APPLICATION NO.565 OF 2022

**SHEETAL BABULALJI BOHRA
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Avinash R. Borulkar, Advocate for applicant;
Ms. V. S. Choudahri, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 23rd June, 2022

P.C.

1. By this application under Section 438 of the Code of Criminal Procedure the applicant seeks his release on bail in C.R. No.0098 of 2022, registered with Jinsi Police Station, Aurangabad, for the offence punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code.

2. Heard the learned Counsel for the applicant and the learned A. P. P. for the respondent.

3. In a raid taken by the police the vehicle registered in the name of the applicant was seized. In the said vehicle a huge quantity of the

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prohibited Gutka was carried. The applicant has not denied the ownership of the said vehicle, and the person driving the said vehicle was his driver. The driver has specifically stated before the police immediately after his apprehension that the said Gutka was to be distributed at various places . In further investigation, he has disclosed specifically to the police that Gutka carried in the vehicle was owned by the present applicant.

4. The learned A. P. P. has a strong objection for confirming the interim anticipatory bail on the ground that the applicant is a stockist of Gutka. He is stocking the prohibited contraband which is harmful to the human life. Leaving apart the applicability of Section 328 of the Indian Penal Code, transport and supply of such article has been prohibited by the State of Maharashtra. Hence, the business run by the applicant is apparently illegal. The police want to make further investigation as to where from the applicant has brought the contraband and where he stores the same.

5. The learned Counsel for the applicant vehemently argued that the applicant is on interim anticipatory bail since 30.05.2022. He has

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attended the police station but police did not make any investigation. Therefore, police have no material to recover from the applicant. Hence, the interim protection be confirmed.

6. As discussed above, the prohibited contraband article Gutka was carried in the vehicle owned by the applicant driven by his driver who was under his control. The Investigating agency has a specific evidence against the applicant that the contraband was owned by him. The State of Maharashtra has strictly prohibited to stock and sell such contraband viz. Tobacco and Gutka which is harmful to the human life. In such a situation, the police at least can destroy such contraband. *Prima facie*, it appears that the applicant is a stockist and distributor of the prohibited contraband. The police must know the source of the supplier and various distributors which is within the knowledge of the applicant.

7. Considering the gravity of the offence, this Court is not in favour of the applicant to confirm the interim bail. Besides this, the custodial interrogation of the applicant is required to identify the stock of contraband stored by the applicant and the source from

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where he has brought such huge quantity.

8. For the reasons stated above, the Application stands dismissed.

(S. G. MEHARE, J.)

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