

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

CRIMINAL APPLICATION [ABA] NO. 877/2021.

Sheikh Salim Sheikh Gafur and another.

-VERSUS-

The State of Maharashtra, through P.S. Parwa, District Yavatmal.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.A. Mohta, Advocate for Applicants.
Ms. T. Udeshi, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JANUARY 05, 2022.

Heard.

2. In anticipation of arrest in connection with Crime No.488/2021 registered with the Non-applicant – Parwa Railway Police Station, District Yavatmal for the 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] and 59 of the Food Safety and Standards Act, 2006, applicants pray for pre-arrest protection.

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3. It is the prosecution case that on receipt of secret information, police have accosted a truck carrying prohibited contraband article namely Gutka in huge quantity. The information was given to the Food Safety Officer, who in turn lodged the aforesaid report.

4. As per the report, Gutka Pouch in large quantity worth Rs.10,88,400/- were found in the truck. The driver and cleaner of the truck were taken into custody and during interrogation it revealed that the applicant no.1 Sheikh Salim is owner of the truck, whilst at the instance of applicant no.2 Sheikh Maheubub, the material was being transported.

5. The State has opposed bail by filing reply-affidavit. It is contended that during investigation statements were recorded in which complicity of applicants has been revealed. The police have collected CDR details to show active involvement of applicants with the seizure. Custodial interrogation is sought to verify the stock

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of the contraband article, its receiver and other related aspect. Moreover, copies of earlier reports have been filed to show that in past, similar nature of crime were registered against both the applicants.

6. Prima facie it is evident that huge quantity of prohibited articles namely – Gutka has been seized. On initial investigation it came to light that both applicants are closely connected with the offence. Though the driver and cleaner are arrested, they are mere handlers. Particularly antecedents against applicants are of indulging into similar activities. Despite ban on gutka from years together, there is free transportation of gutka in large quantity. The offence is against entire society. The matter requires thorough investigation from various angles, hence, I do not find it appropriate to grant pre-arrest protection to applicants. Criminal Application is, therefore, rejected.

JUDGE