

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.140 OF 2023

Rupesh Vishnudas Malpani

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. Raviraj R. Chandak, Advocate for the Applicant

Mr. V.s. Badakh, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.13 of 2023 registered with Kallamb Police Station, District Osmanabad for offences punishable under sections 188, 272, 273, 328 read with 34 of the Indian Penal Code.

2. FIR is lodged Navnath Dattoba Khandekar, Police Constable alleging that on secret information raid was conducted at Shubham Kirana Store owned by Shrinivas Karva, wherein huge quantity of banned tobacco products worth Rs.19,090/- were found stored. The said tobacco

products were seized by the Investigating Officer. On further inquiry, it was revealed that huge quantity of banned substances was kept in the house of Shrinivas, and accordingly raid was carried out. Accused No.2 Shubham, son of accused No.1 Shrinivas was found in possession of tobacco products worth Rs.1,87,020/-, which was also seized. During the inquiry of accused No.2, it was revealed that said goods were supplied by the applicant. Some of the contraband goods were also stored in the house of Manoj Malpani. Accordingly, raid was conducted, and banned tobacco products worth Rs.1,49,170/- were found at the premises of accused No.3 Manoj Malpani. Applicant is stated to be main supplier of the banned articles.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. Main accused Nos. 1 to 3 are arrested, and were remanded to police custody, and thereafter, they are in Magisterial custody. It appears from the investigation papers that the present applicant used to give delivery of banned tobacco articles to the other accused persons. There appears substance in the learned advocate for the applicant that the applicant has only delivered banned tobacco produces, apart

from that he has not played active any active role in the alleged offence.

5. The applicant was granted interim protection and he has co-operated in the investigation, and nothing is to be recovered from the applicant. In the facts of the present case, pre-trial custodial detention of the applicant is not necessary.

6. In the result, the application is allowed. In the event of arrest of applicant in connection with Crime No.13 of 2023 registered with Kallamb Police Station, District Osmanabad for offences punishable under sections 188, 272, 273, 328 read with 34 of the Indian Penal Code, the applicant shall be released on bail on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

7. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane