

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1052 OF 2023

VINOD S/O CHHABU TONDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Abhijit S. More
APP for Respondent – State : Mr. G.O. Wattamwar

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CORAM : R. M. JOSHI, J.

DATE : AUGUST 22, 2023

PER COURT :

. The applicant apprehends arrest in connection with Crime No.232 of 2023 registered with Jamkhed Police Station, Dist. Ahmednagar for the offences punishable under Sections 328, 188, 272, 273 r/w. 34 of the Indian Penal Code.

2. Learned counsel for the applicant states that applicant is the owner of the vehicle from which the contraband articles are seized. He further submits that the applicant was not present at the spot of incident when the contraband articles seized. He further

submits that entire muddemal is already seized and custodial interrogation of applicant is not necessary. The issue as to whether offence punishable under Section 328 of the I.P.C. would attract to contraband article – gutkha is pending before the Hon'ble Apex Court.

3. Learned APP opposed application contending that huge amount of contraband articles have been seized in the present crime. The investigation is required to be done in respect of the source of the said contraband article i.e. Gutkha. It is claimed that Section 328 of IPC has application to the present case and hence he prayed to reject application.

4. At this stage, it cannot be said that offence punishable under Section 328 of IPC would attract in the present case. Entire muddemal is seized during the raid. Nothing is to be recovered at the instance of applicant. So far as further investigation is concerned in order to find out the source of said contraband article, appropriate direction to applicant to attend the concerned police station, as directed in the interim order dated 04.07.2023, would be sufficient. In view of this, following order is passed.

ORDER

(i) Application stands allowed in terms of interim relief dated 04.07.2023.

[R. M. JOSHI]
JUDGE

GGP