

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

ANTICIPATORY BAIL APPLICATION NO.1694 OF 2023

GAJANAN SHIVSHANKAR BODHALE
VERSUS
THE STATE OF MAHARASHTRA

Mr. R. G. Nirmal, Advocate for the applicant
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 4th NOVEMBER , 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 187/2023 registered with Bori Police Station, Tq. Jintur, Dist. Parbhani for the offences punishable under Sections 188, 272, 273, 328 of Indian Penal Code (for short 'IPC').

2. Learned counsel for the applicant submits that in the first information report itself it is mentioned that the contraband articles are already seized. There is nothing to be recovered at the instance of present applicant and hence his custodial interrogation is not necessary.

3. Learned APP opposed the application by submitting that the applicant is habitually involved in business of contraband gutkha and panmasala. It is pointed out that Crime bearing No. 187/2023 has been

registered against him which confirms the said fact. Thus, according to the prosecution custodial interrogation of the applicant is necessary in order to ascertain the source of contraband.

4. Perusal of the first information report shows that the contraband articles are seized from the premises belonging to the applicant. Though it also mentions that during the said raid the articles are already seized, however, Court finds substance in the contention of the learned APP that similar offence is registered against the applicant which indicates that his prone to deal in the contraband articles. Hence, substance is found in the contention that custodial interrogation would be necessary to ascertain the source of the contraband in which applicant is dealing. Record indicates recently offence bearing No. 135/2023 registered with same police station that the applicant is habitual offender. Hence, this Court finds no reason for exercising its discretion to grant anticipatory bail. Hence, the application stands rejected.

(R. M. JOSHI, J.)

ssp