

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3163 OF 2022

Mandar R. Thosar ...Applicant
V/s.

The State of Maharashtra ...Respondent.

Mr. S.K. Ali i/b M/s. A.A. Siddiquie & Associates for the Applicant.
Ms. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 16.01.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.585 of 2022 registered at Bhosari M.I.D.C. Police Station, Pimpri-Chinchwad for the offences punishable under Sections 188, 328, 269, 270, 272 and 273 of the Indian Penal Code.
3. On the basis of secrete information on 28 September 2022 2022, a tempo vehicle bearing registration No.MH-12-PQ-2819 was intercepted and Guthka packets (prohibited tobacco products) were found in the said tempo vehicle. During the course of investigation, the present applicant was found to be the owner of

the said Guthka packets.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. He had already sold the vehicle in which Guthka packets were allegedly found to one Sameer Pawar. It is submitted that even otherwise this Court has held that mere possession, storage or sale of Guthka packets would not attract Section 328 of the IPC and the said issue is now pending before the Hon'ble Supreme Court. It is submitted that nothing is to be recovered from the applicant and therefore, his custodial interrogation is not necessary. It is therefore, submitted that the applicant may be granted anticipatory bail.

6. On the other hand, the learned APP submits that during the course of investigation the Investigating Officer has recorded the statement of Sameer Pawar. It is submitted that according to the said Sameer Pawar the present applicant has not handed over the

possession of vehicle in question to him. It is submitted that during interrogation co-accused Parshuram Dhepe has revealed that the present applicant is the owner of Guthka packets. The learned APP submits that the applicant is involved in three more crimes of similar nature. It is thus submitted that the applicant may not be released on anticipatory bail.

7. In view of the statement of Sameer Pawar and as the applicant is involved in three more crimes of similar nature, I am not inclined to release him on anticipatory bail. Hence, the Anticipatory Bail Application is rejected.

8. The interim order, if any, stands vacated.

[N.R.BORKAR, J.]