



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

**CRIMINAL APPLICATION (BA) NO.882 OF 2023**

Bhupendra S/o Devisingh Bayas Vs. State of Maharashtra

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Shri N.R. Tekade, Advocate for applicant.

Shri A.M. Kadukar, APP for non-applicant/State.

**CORAM : M.W. CHANDWANI, J.**

**DATE : OCTOBER 09, 2023.**

The applicant is seeking bail in connection with Crime No.297/2023 registered with Police Station, Murtizapur (Rural), District Akola for the offences punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code and Section 26(2) and 59 of the Food Safety and Standard Act.

2. Heard learned counsel for the applicant as well as learned APP for the non-applicant/State. I have perused the case diary.

3. Perusal of case diary goes to show that on receipt of secret information the police party intercepted a motorcycle, which was being driven by the applicant. On search, the police recovered contraband articles viz. Scented tobacco, masala supari etc. worth Rs.8,445/- from the applicant. The applicant was arrested immediately. On the complaint, the aforesaid offence came to be registered against the applicant.

4. It appears that the application was rejected by the learned Additional Sessions Judge on the ground that similar crime i.e. Crime No.200/2022 earlier was registered against him. Perusal of case diary further goes to show that the contraband articles are already seized from the applicant and the applicant is behind bars

since 27.08.2023. Most part of the investigation is already over. The applicant has place of abode. There is no likelihood that the applicant would flee away from justice. Considering the nature of allegation and period of detention, a case is made out for exercising the discretion in favour of the applicant. Hence, I proceed to pass the following order:

### **ORDER**

- i. The application is allowed.
- ii. The applicant - Bhupendra S/o Devisingh Bayas, shall be released on bail in connection with Crime No.297/2023 registered with Police Station, Murtizapur (Rural), District Akola for the offences punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code and Section 26(2) and 59 of the Food Safety and Standard Act, on furnishing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- iii. The applicant shall not induce, threaten, or promise any witness, who are connected with the alleged crime.
- iv. The applicant shall not indulged himself in the similar type of offence.

The application is disposed of.

**JUDGE**

*Wagh*