

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.880/2022

Piyush s/o Gopikisan Purohit .vs. State of Maharashtra through its PSO P.S.
Paratwada, Amravati.

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

Court's or Judge's orders

Mr. K. R. Jain with Mr. V. S. Giramkar, Advocates for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.

DATE : JANUARY 4, 2023.

Heard learned counsel for the parties.

2. The applicant is apprehending his arrest in connection with Crime No.753/2022, registered with Police Station, Paratwada, District Amravati, for an offence punishable under Sections 188, 272, 273, 289 and 328 of the Indian Penal Code and Sections 26(2) (v), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006. The case of the prosecution in short is that the investigating officer received an information that the main accused namely Abdul Naved Abdul Hafiz, was having contraband - scented tobacco at his place. The raid was conducted, whereupon the tobacco was seized from his house worth Rs.66,000/- approximately. He informed that it is the present applicant who has supplied the contraband. The investigating agency has raided at the house of the applicant where the contraband, "Pan Masala Hot, Vimal Pan Masala, Nazar 9000" worth Rs.83,290/-, was found.

3. Thus only on the basis of possessing these contraband, the investigating agency has arrived at a conclusion that the applicant has kept it for causing it to be taken by some person whose whereabouts are not even known to the investigating agency and that said act has been done with an intend to cause hurt to such person(s).

4. Learned counsel for the applicant submits that the contraband though were kept at the place belonging to the ancestors of the applicant, the said place has been abandoned and no one resides there. In that sense he submits that the applicant is unaware as to who has kept this contraband in the said place.

5. Be that as it may, even if the case of the prosecution is to be accepted as it is, the prosecution will have to disclose with cogent evidence, the reasons for keeping the contraband and to whom it was to be administered by the applicant. In view of silence on all these material aspects, the applicant is entitled to the relief, particularly when nothing is to be recovered at his behest now. Hence, following order is passed.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.753/2022, registered with Police Station, Paratwada, District Amravati, for an offence punishable under Sections 188, 272, 273, 289 and 328 of the Indian Penal Code and

Sections 26(2) (v), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, applicant – Piyush Gopikisan Purohit, be released on bail on he executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station Paratwada, District Amravati once in a week i.e. on every Wednesday, between 03:00 to 05:00 p.m.

(iv) The applicant shall furnish his address and telephone/mobile number(s) to the investigating officer. The applicant shall not change the same without permission of the Court.

(v) The applicant shall not tamper with the prosecution evidence.

The application is disposed of.

(Anil L. Pansare, J.)

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