



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 ANTICIPATORY BAIL APPLICATION NO. 420 OF 2024

Nitin Babulal Jain

VERSUS

The State of Maharashtra and others

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Advocate for Applicant : Mr. Amit S. Savale

APP for Respondents: Mrs. P.V. Diggikar

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CORAM : SHIVKUMAR DIGE, J.

DATED : 1st AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 86 of 2024 registered with Mhaswad Police Station, district Nandurbar, for the offences punishable under Sections 188, 272, 273, 328 of I.P.C. and under Sections 26(2), 4, 30 and 26(2)(a) of the Food Safety Act.

2. It is the prosecution's case that the police had received secret information that Vimal Gutkha was being sold at one grocery shop in Mhaswad village. Accordingly, the police raided on the said grocery shop alongwith two panchas. In the raid, the police seized pouches of Vimal Pan Masala and other prohibited Pan Masala amounting to Rs.33,220/-. It is alleged that the said grocery shop belongs to the applicant.

3. It is the contention of the learned counsel for the applicant that

the applicant has been falsely implicated in this case. When the raid was conducted the applicant was not present at the shop. The police have seized Gutkha Pan Masala from the shop. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant was selling the Gutkha Pan Masala in his grocery shop and his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The applicant is owner of the grocery shop from where the prohibited Gutkha Pan Masala is seized. It appears that the Gutkha Pan Masala have been seized. Considering the allegations against the applicant, his custodial interrogation is not required as the prohibited articles have been seized, hence, I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 12.03.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)