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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

947 ANTICIPATORY BAIL APPLICATION NO. 736 OF 2024

Bapu Jagannath Ajbe

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. S.R. Mhaske h/f Mr. Rahul R. Karpe

APP for Respondents: Mrs. P.V. Diggikar

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**CORAM : SHIVKUMAR DIGE, J.**

**DATED : 24<sup>th</sup> JULY, 2024.**

**PER COURT :-**

1. The applicant apprehends arrest in connection with crime No. 388 of 2024 registered with Kotwali Police Station, district Ahmednagar, for the offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code.

2. It is the prosecution's case that on 25.3.2024 the police received a secret information that the applicant used to sale Mawa in his pan stall. After receipt of the information, the police raided on the said pan stall. After seeing the police, it is alleged that the applicant ran away. In the search of said pan stall, the police seized Mawa, tobacco and other prohibited eating articles.

3. It is the contention of the learned counsel for the applicant that no prohibited Gutkha is found in the said pan stall. The mawa cannot

be considered as prohibited food article. 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 prohibited food articles in his pan stall. After seeing the police, the applicant ran away from the pan stall. The custodial interrogation of the applicant 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. From the pan stall of the applicant, the police have seized the scented tobacco which was under the process of preparation of Mawa. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order :-

### **ORDER**

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 06.05.2024 stands confirmed on the same terms and conditions with following modification:-
  - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

**(SHIVKUMAR DIGE, J.)**