



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

59 ANTICIPATORY BAIL APPLICATION NO. 847 OF 2024

SACHIN VIRENDRA GUPTA

VERSUS

THE SUPERINTENDENT OF POLICE AND OTHERS

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Advocate for Applicant : Mr. Borulkar Avinash R.

APP for Respondent/State : Mr.S.B. Narwade

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 18th September, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.181 of 2024 registered with Ambad Police Station, Dist.Jalna, for the offences punishable under sections 188, 273, 328 read with 34 of the Indian Penal Code (For short, "IPC") and section 59 of the Food Safety and Standard Act.
2. It is prosecution's case that on 7th April, 2024 around 10:00 p.m., the police intercepted one Innova and in the said Innova, police found *Gutkha* of Rs.13,34,220/-. When the police intercepted the vehicle, co-accused driver ran away from the said vehicle. It is alleged that the applicant was present in the said vehicle.
3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is not owner of the said vehicle. The allegations against the applicant are that the police came to know that the applicant was present in the said vehicle when police intercepted the said vehicle and found *Gutkha*.

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 has criminal antecedents. He was present in the Innova Car from which the *Gutkha* has been seized. It belongs to the applicant. Considering the allegations against the applicant, 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 police papers produced on record.

6. The allegations against the applicant are that *Gutkha* which was seized from the Innova Car is belongs to the applicant and he was present in the Car when the police intercepted the Innova Car. The police has seized the *Gutkha*. No documents produced with police papers to show that the applicant is owner of said Innova Car. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.181 of 2024 registered with Ambad Police Station, Dist. Jalna, for the offences punishable under sections 188, 273, 328 read with 34 of the Indian Penal Code and section 59 of the Food Safety and Standard

Act, the applicant be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-

- (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.
- (b) the applicant shall not indulge in such type of offences.

[SHIVKUMAR DIGE, J.]

sga