



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 ANTICIPATORY BAIL APPLICATION NO. 1165 OF 2024

Abhishek Anand Prasad
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Shaikh Tousif Saifuddin
APP for Respondents: Mrs. M.L. Sangit
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CORAM : SHIVKUMAR DIGE, J.
DATED : 19th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.258 of 2024 registered with Shahada Police Station, district Nandurbar, for the offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and under sections 26(2)(iv), 27(3)(e), 59(i) of the Food Safety and Standard Act.

2. It is the prosecution's case that the police intercepted one tempo vehicle bearing No. GJ-27-TD-6979 during the Nakabandi. When the police took search of the said tempo, they found Gutkha and prohibited tobacco amounting to Rs.65.00 lacs in the said tempo. It is alleged that the applicant is the owner of the said tempo.

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

the applicant has been falsely implicated in this case. The applicant was not aware that the Gutkha was being transported in his vehicle. The police have seized the Gutkha from the spot of incident. 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 is the owner of the vehicle in which the Guktha was found. It is necessary to make investigation from where the said Gutkha was procured by 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 the police papers produced on record. The allegations against the applicant are that he is owner of the vehicle in which Guktha was found. The Gutkha has been seized by the police. Considering this fact, the custodial interrogation of the applicant 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 15.07.2024 stands confirmed on the same terms and conditions, with following modification:-

- (a) the applicant shall not indulge in similar activities.

(SHIVKUMAR DIGE, J.)

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