

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

Shankar Rama Kakde and Another
 VERSUS
 The Superintendent of Police and Another

APPLICANTS
 RESPONDENTS

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DATE : 7th FEBRUARY, 2024

1. Applicants apprehend arrest in Crime No. 643 of 2023 registered with Karjat Police Station, District – Ahmednagar for offence punishable under sections 328, 272, 373, 188 of Indian Penal Code.

2. FIR is lodged by Police Constable Manoj Murkute alleging that on 7th October, 2023, when they were patrolling, at about 6.00 p.m. secret information was received that one person is selling gutkha, which is banned in the State, at Guptnath Pan Stall. Accordingly, they reached at Guptnath Pan Stall and found one person standing at the stall selling Hira Pan Masala. They accosted the person namely Santosh Rama Kakde. Gutkha and Pan Masala worth Rs.3826/- was seized from him. During the

raid, a secret information was received that Gutkha is being sold at Bhai Bhai Pan Stall, Khed, Taluka – Karjat. Accordingly, raid was conducted on said Bhai Bhai Pan Stall and one Umar Aslam Shaikh was found selling banned Gutkha and Pan Masala. Contraband worth Rs.10,176 was recovered from him.

3. Heard learned advocate for applicants and learned APP for the State. Perused the papers of investigation.

4. Names of applicants are allegedly disclosed during the course of investigation. Accused Santosh has disclosed that he is jointly running Pan Stall with his brother, applicant Shankar and co-accused Umar Aslam Shaikh has disclosed that he is running the Pan Center along with applicant Juber Aslam Shaikh. Except this, there is nothing on record to connect applicants to the present crime. Admittedly, issue of applicability of section 328 of the Indian Penal Code is pending before the Apex Court.

5. In the facts of the present case, custodial interrogation of applicants is not necessary. Hence, application is allowed by confirming interim protection granted to applicants on 10th November, 2023, on the same terms and conditions.

[NITIN B. SURYAWANSHI]
JUDGE