

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.172 OF 2024

Bhushan Balasaheb Homkar Applicant
Versus
The State of Maharashtra Respondent

Mr. Shriram S. Chaudhari, Advocate for the Applicant.
Smt. M.H. Mhatre, , APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.931/2023 registered at Mangalvedha Police Station, District-Solapur on 6.12.2023 under sections of the 188, 272, 273, 328 of IPC and under sections 26(2)(i), 26(2)(iii), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

2. Heard Mr. Shriram Chaudhari, learned counsel for the Applicant and Smt. M.H. Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged by one Umesh. He was working with the Assistant Commissioner of Food and Drugs Administration, Solapur as Food Inspector. On 6.12.2023, he received a secret information that the prohibited food products were being transported within his jurisdiction. The investigating agency arranged to conduct a raid at Mangalvedha. At about 6.30 a.m. on 6.12.2023, a pick-up vehicle bearing No.MH-13 DQ 2639 was stopped. The vehicle was searched. The vehicle was found to contain prohibited Pan Masala, tobacco etc. in different gunny bags. The contraband was worth Rs.11,20,000/-. The contraband was seized. The vehicle was also seized the driver Sandeep Lad was arrested. The FIR was lodged. The allegations against the Applicant is that he was the owner of the vehicle.

4. Learned counsel for the Applicant submitted that the Applicant was in a business of providing his pick-up vehicle on hire and that is the source of his livelihood. Therefore, in good faith he has given his vehicle on hire to Sandeep Lad. Thereafter said Lad used the vehicle for illegal

purpose without the knowledge of the Applicant and, therefore, the Applicant deserves the protection under Section 438 of Cr.P.C..

5. Learned APP submitted that the investigation has revealed that the contraband belonged to Sandeep Lad and he had taken the Applicant's vehicle on hire. The investigation carried out so far does not connect the present Applicant with the ownership of the contraband. There are no allegations that he was the supplier of the contraband or was the receiver or the shop owner where the contraband was to be sold.

6. Considering the submissions made by both the sides, at this stage it is apparent that the Applicant had merely provided the vehicle. There is nothing to show that he was aware that for what purpose the main accused Sandeep Lad had taken the vehicle. Therefore, to that extent the Applicant can be given benefit and can be protected under Section 438 of Cr.P.C. He will have to cooperate with the investigation. There are no antecedents against the Applicant. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.931/2023 registered at Mangalvedha Police Station, District-Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned investigating agency's office as and when called. He shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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