



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.516 OF 2024

(Rajat @ Munna s/o Bhagwandin Yadav Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.G. Hunge, Advocate for the applicant.
Mr. K.R. Lule, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 14, 2024

By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No.595 of 2024 registered with police station Saoner, District Nagpur for the offence punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and Sections 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and 59 of the Food Safety and Standards Act, 2006

2. The applicant is apprehending the arrest at the hands of police as the crime is registered on the basis of report lodged by Smt. S.V. Babhare on an allegation that she received a secret information that the contraband articles i.e. scented tobacco, scented pan masala and nuts are being transported in a vehicle bearing registration No.MH-49-B-8372, therefore, she along with the other staff members intercepted the vehicle and on interception of the vehicle the huge stock of 521.76 kg was recovered from the said vehicle. On the basis of the same, the crime was registered against the co-accused. During

investigation, the involvement of the present applicant is revealed.

3. Learned Counsel for the applicant submitted that as far as the involvement of the present applicant is concerned only on the basis of the statement of the co-accused which is not admissible. He submitted that considering besides the statement of co-accused there is no other material to connect the present applicant with the alleged offence. He be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that besides the statement of the co-accused during investigation it revealed that the accused who is arrested has procured the said contraband articles from the present applicant. There are criminal antecedents against the present applicant of a similar nature. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the co-accused was found along with the huge quantity of 521.76 kg of contraband articles which is prohibited in the State of Maharashtra. It reveals that the co-accused has contravened the provisions and transported the huge stock in his vehicle. It further reveals during the investigation that he has procured the said contraband articles from the present applicant. During

investigation, the Investigating Officer has also carried out the investigation and it revealed to him that there are various criminal antecedents against the present applicant. Considering the involvement of the present applicant repeatedly in the similar type of the offence and considering that huge stock which was procured by the co-accused from the present applicant, the custodial interrogation is required. In view of that, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*