



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

CRIMINAL APPLICATION (ABA) NO.687 OF 2024
(Omprakash Sunil Manapure Vs. The 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. Raoka, Advocate for applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 21, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.595/2024 registered with Police Station Saoner, District – Nagpur, for the offence punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code and Sections 3(1)(zz)(iv), 30(2)(a), 27(3)(e), 26(2)(iv), 26(1) and 59 of the Food Safety and Standards Act, 2006, the applicant approached to this Court for grant of pre- arrest bail.

2. The crime is registered on the basis of report lodged by the Food and Safety Officer on an allegation that she received a secret information on the basis of which she has conducted the raid and during the raid the contraband articles like scented tobacco, scented nuts and Pan Masala was found in possession of the co-accused who was seen to be carrying the said contraband articles in a four wheeler vehicle bearing registration No.MH-49-B-8372. On interception of the vehicle said contraband

articles are seized. The said vehicle was driven by the co-accused Prajwal Vilasrao Dhore and owned by Harish Yadavrao Nandanwar. On the basis of the said report, police have registered the crime against the present applicant as well as the other co-accused.

3. Learned Counsel for the applicant submitted that the applicant is running the business in Madhya Pradesh. On the basis of the statement of the co-accused he is implicated in the alleged offence. As far as the possession of the said contraband articles which is seized is concerned not from the present applicant. At the most, as per the statement of the co-accused he has procured the said contraband articles from the present applicant. Present applicant is resident of Madhya Pradesh wherein the said articles are not banned. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that huge contraband articles are seized from the co-accused and he has procured the same from the present applicant. Now, the applicant has attended the police station and cooperated with the investigating agency. However, considering the huge stock is seized which was procured from the present applicant, his custodial interrogation is required and as he belongs from the Madhya Pradesh, she prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the applicant has cooperated with the investigating agency. The entire contraband articles are already seized. As far as custodial interrogation is concerned which is not required. In view of that, the interim protection granted to the applicant deserves to be confirmed. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Omprakash Sunil Manapure in connection with Crime No.595/2024 registered with Police Station Saoner, District – Nagpur, for the offence punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code and Sections 3(1)(zz)(iv), 30(2)(a), 27(3)(e), 26(2)(iv), 26(1) and 59 of the Food Safety and Standards Act, 2006, be released on anticipatory bail on executing PR. Bond in the sum of 25,000/- (Rs. Twenty five thousand) with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned Police Station once in a week i.e. on every Saturday between 10.00 AM and 1.00 PM., till the filing of the charge-sheet

and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The contravention of any of the condition would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*