



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 2608 OF 2025
IN WP/9448/2018**

**THE STATE OF MAHARASHTRA THROUGH FOOD
SAFETY COMMISSIONER AND OTHERS**

VERSUS

**S. R. AGENCIES THR ITS PROPRIETOR
SURYANARAYAN MUTHYAM**

...
Addl.GP for Applicants/State : Mr. P.S. Patil
Advocate for Respondent : Mr. V.S. Kadam

...
**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 7th MARCH 2025

PER COURT :

. Heard the learned AGP and learned Counsel for the contesting respondent.

2. After the *Tobacco* was seized, the present petition was filed. This Court has passed the order directing the applicant not to destroy *Tobacco* weighing 1080 Kg. Counsel for the petitioner herein the non-applicant submitted that after the order was passed, the Writ Petition was amended and prayer was made to release the seized goods i.e. *Tobacco* under panchanama dated 16.06.2018 in favour of the petitioner and for that purpose issue necessary orders. He would submit that the matter was listed for early date. But the matter could not reach. Now after filing this application for modifying the order,

directing not to destroy *Tobacco*, he would submit that he prayed for releasing the *Tobacco*. In the prayer clause 'E' he has prayed to release the *Tobacco* during the pendency and till the final disposal of the writ petition. However, there is no reason why there was urgent need was not sought. It seems that the petitioner was happy with the order during the Respondent No.3 not to destroy *Tobacco*.

3. Learned AGP would submit that after 2019, the matter was kept pending. Now the *Tobacco* is not consumable. Therefore to protect the health of the staff near by persons and save the costs of maintenance, the said *Tobacco* be destructed. The learned AGP offered petitioner to get interim custody of the *Tobacco*. However, the original petitioner is not ready because the *Tobacco* is not consumable. In such situation to protect health of the staff and save the unwanted maintenance of keeping it store for uncertain period, we are of the view that this is a fit case to allow Respondent No.3 to destroy the *Tobacco* (seized article).

4. The application is allowed in terms of prayer clause 'B'.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]