

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

ANTICIPATORY BAIL APPLICATION NO. 2352 OF 2025

Sushil Balkrushna Parab

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Umesh Mankapure a/w Adv. Siyan Magdum i/b Adv. D. R. Bele,
Advocate for the Applicant.

Mr. P. P. Deokar, A.P.P., for the Respondent – State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 10th NOVEMBER, 2025.

P.C. :

1. The Applicant is apprehending arrest in Crime No.314 of 2025 registered with Kudal Police Station, Sindhudurg, for the offences punishable under Sections 59 of the Food and Safety and Standards Act, 2006 and under Sections 123, 274, 275 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”).

2. It is prosecution’s case that on 11th September, 2025 police intercepted one truck. In the search of the said truck, police found Gutka of Rs.72,000/-. It is alleged that the said Gutka was purchased by the Applicant from Karnataka, and it was supposed to be delivered

to the Applicant.

3. It is contention of learned counsel for the Applicant that the Applicant runs grocery shop along with grocery items. The said Gutka was sent by the supplier from Karnataka, where there is no ban on Gutka. The Gutka has seized by the police whether it was ordered by the Applicant or not is part of evidence. Considering allegations against the Applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of learned APP that the Applicant is grocery shop owner. He had purchased the grocery items along with Gutka from Karnataka and it was being sent to his shop. The police have seized the Gutka. The said Gutka was to be delivered to the Applicant by the supplier. Considering allegations against the Applicant, his custodial interrogation is required. Learned APP further submitted that the statement of supplier is recorded and he has specifically stated that the Applicant had ordered the said Gutka, and requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record.

6. The police has seized the Gutka. It is alleged that the said

Gutka was ordered by the Applicant. To prove it, evidence is required. The Applicant has no antecedent. Considering these facts, custodial interrogation of the Applicant is not required, and I pass following order:

ORDER

- i. The Application is allowed.
 - ii. In the event of arrest, the Applicant be enlarged on bail in connection with C.R. No.314 of 2025 registered with Kudal Police Station, Sindhudurg, on executing P. R. Bond to the extent of Rs.20,000/- with one or two sureties in the like amount.
 - iii. The Applicant shall attend the concerned police station as and when required.
 - iv. The trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
7. In view of the above, the application is allowed and disposed off.
8. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)