

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1106 OF 2024

Shyam Pratap Rajder Gaud
@ Shyam Rajdev Pratap

.. Applicant

Versus

Union of India and Anr.

.. Respondents

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- Mr. Arif Khan a/w. Ms. Shilpa Sharma, Advocates for Applicant.
 - None for Respondent No.1.
 - Ms. Megha S. Bajoria, APP for Respondent No.2 – State of Maharashtra.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 07, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Khan, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent No.2 – State of Maharashtra.
- 3.** Applicant before me has been indicted and is in incarceration since 21 months. He has no antecedents. His name is Shyam Pratap Rajder Gaud and is proprietor of a firm which manufactures pharmaceutical products. His indictment is solely on the basis of statement of Assistant Postal Officer – Ms. Nayana Santosh Bhoir which is appended at page No.321 of the Application. Perusal of the first ten questions and answers given thereto of said statements show the procedure which is followed by postal authorities whenever parcels

to international destinations are booked. However, answer to question No.11 is the real cause of indictment of Applicant. It is stated by the said postal Officer that every month 5 to 6 parcels are booked for domestic and international destinations containing imitation jewellery from the post office from M/s. Khushi Enterprises. Mr. Khan would submit that Applicant has no nexus whatsoever with M/s. Khushi Enterprises. He would submit that in that view of the matter his indictment and incarceration is illegal and present Bail Application be heard.

4. Contesting Respondent is the Union of India namely Customs Department. The said Respondent is directed to depute a responsible pleader to attend the present proceedings on the next adjourned date with appropriate instructions. It is expected to inform the Court alongwith substantive *prima facie* evidence to establish nexus of M/s. Khushi Enterprises with Applicant. Copy of this order shall be served by Mr. Khan on Respondent No.1 – Union of India / concerned Department who shall take cognizance of this matter.

5. It is clarified that if the order copy is served and no pleader appears for the Union of India, this Court shall not await any further and hear the matter on its own merits and in accordance with law.

6. Stand over to **14th February, 2025 at 02:30 p.m.**

[MILIND N. JADHAV, J.]