

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 24 OF 2025**

Akhilesh Vibhakar Dubey
V/s.
The State of Maharashtra

...Applicant

...Respondent.

Mr. Imran Shaikh, for the Applicant.

Mr. C. D. Mali, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 15.01.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in crime No. 455 of 2024 registered at Ghoti Police Station Dist-Nashik Rural for the offences punishable under Sections 123, 274, 275 & 223 of Bhartiya Nyaya Sanhita, 2023 (BNS).
3. On the basis of secrete information on 05.10.2024 truck bearing No.MH 03 DV 7791 was intercepted and it was found to be carrying prohibited tobacco products in State of Maharashtra (gutkha) worth Rs.7,50,920/-. According to the prosecution, the said prohibited tobacco products were purchased by the applicant from the State of Uttar Pradesh to sell in the State of Maharashtra.
4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The learned counsel for the applicant submits that this Court has held that mere possession, transportation, storage or sale of Gutkha packets would not attract Section 328 of the IPC (Section 123 of Bhartiya Nyaya Sanhita) and the said issue is now pending before the Hon'ble Supreme Court. It is submitted that the demand of certain amount was made by the officer from the concerned police and as the same was not fulfilled, the applicant is made the accused in the present crime. It is submitted that nothing is to be recovered at the instance of the applicant and therefore there is no need of custodial interrogation. It is submitted that the applicant may be therefore released on anticipatory bail.

6. On the other hand, the learned APP for the respondent-state submits that the applicant is involved in three more crimes of similar nature. It is submitted that during the interrogation of the co-accused Ali Hasan (driver of truck) has revealed the name of the present applicant. It is further submitted that the present applicant was in continuous contact with the said co-accused and there are CDRs to that effect. It is accordingly submitted that the application be rejected.

7. The applicant has stated that on 5.10.2024 his brother has received several calls from mobile No. 6386427192 and the person, who called his brother has disclosed his identity as Senior Inspector of Ghoti Police Station and demanded Rs.10,00,000/- for not involving the present applicant in the crime in question. However, it appears that on 5.10.2024 by the order of

Superintendent of Police the investigation was transferred to the local crime branch. Considering the overall facts and circumstances of the case and as the applicant is involved in three more crimes of similar nature, I am not inclined to release him on anticipatory bail. Hence, the Application is rejected.

[N.R.BORKAR, J.]