

[Corrected as per speaking to minutes order dated 25.7.2025]

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

Anticipatory Bail Application No.1121 of 2025

Pravin Narayan Tapase
Age: 38 yrs, Occ: Driver,
243, Malhar Peth, Tal. & Dist.Satara ... Applicant.

Vs.

The State of Maharashtra
(At the instance of Tasgaon
police station, vide CR
No.148 of 2025) ... Respondent.

Mr Ramnik Pawar a/w Rahul Gupta and Sameer Shaikh i/by
Samiksha Pawar for the applicant.
Mr Anand Shalgaonkar, APP for the respondent / State.

**Coram : R.N.Laddha, J.
Date : 11 July 2025.**

P.C. :

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.148 of 2025 registered at Tasgaon Police Station, Sangli, for the offences punishable under Sections 123, 223, 274, 275 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 59 of the Food Safety and Standards Act, 2006.

2. It is the case of the prosecution that on 19 March 2025, the complainant, accompanied by other officials and while performing official duties, proceeded to the location of a road accident involving a scooty and a pick-up van. During the preparation of the panchnama at the scene, it was discovered that the pick-up van, bearing registration No.MH-11-DD-0152, was loaded with prohibited goods specifically, scented tobacco and pan masala. These substances are banned within the State of Maharashtra under the prevailing laws. The driver of the pick-up van was apprehended and upon interrogation, he revealed that he was transporting the prohibited items under the directions of the applicant, who is the owner of the said vehicle.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant has not committed any offence as alleged and has no connection whatsoever with the alleged crime. He further submits that the offence under Section 59 of the Food Safety and Standards Act, along with other regulatory provisions, is neither grave nor heinous and does not necessitate custodial interrogation. The alleged contraband has already been seized, and nothing is to be recovered or discovered from the applicant. There is no

specific allegation of adulteration directly attributed to the applicant. The applicant was not named in the FIR. Apart from the offence under Section 123 of the BNS, all other offences are bailable in nature. The applicant's involvement in the present case is based solely on the statement of a co-accused. The applicant was not present at the time of the seizure of the contraband articles. The applicant is merely the owner of the said pick-up vehicle in question, which was being rented out to a customer. Moreover, the applicant is ready and willing to cooperate with the investigation. The learned Counsel in support of his contention relied on the decision in *Avtar Singh & Ors. Vs State of Punjab (2002)7 SCC 419*.

4. On the other hand, the learned APP representing respondent/ State opposes the application and submits that a substantial quantity of prohibited items was seized from a vehicle owned by the applicant. The co-accused was apprehended while transporting these banned goods and, during interrogation, disclosed that he was acting under the instructions of the applicant. The learned APP submits that the applicant is the mater-mind orchestrating the entire operation. The learned APP further submits that the

applicant has a criminal background, with previous offences of a similar nature registered against him. In view of these antecedents, the learned APP argues that the applicant poses a continued threat to the public safety and law enforcement efforts. Moreover, in addition to the offence under Section 123 of the BNS, the learned APP contends that Section 62 of the BNS may also be attracted given the nature and circumstances of the offence. The investigation is still at an early and sensitive stage, and there is nothing on record to suggest that the vehicle used in the commission of offence was rented or driven by anyone unrelated to the applicant. The ownership of the vehicles directly links the applicant to the crime. The learned APP, emphasises the seriousness and gravity of the offence, arguing that such activities, particularly the illegal trader and distribution of the banned substances pose a significant threat to societal health and welfare. The offence is part of a broader, organised network with inter-state ramifications and involves violations of Central Excise and Income Tax laws. This makes it not just a penal offence, but a complex economic crime as well. In view of the foregoing, the learned APP asserts that custodial interrogation of the applicant is necessary to unearth the

full scope of the operation, identify other involved parties, and secure crucial evidence which may otherwise be lost or tampered with. The learned APP emphasises the importance of a thorough and rigorous investigation to dismantle this illegal network. In support of these submissions, the learned APP relies on the decision of this Court in *Mohd. Sadiq Adam Shaikh vs. State of Maharashtra*, ABA No.207 of 2024.

5. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits approach, as granting such pre-arrest bail in serious cases may affect the investigation. All these aspects are highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay v. State of Bihar*, 2024 SCC OnLine SC 282.

6. Upon perusing the records, it appears that the present matter does not rests solely on the statement of the co-accused's to implicate the applicant. The co-accused is alleged to have transported the prohibited items at the

behest of the applicant. Significantly, the applicant is the registered owner of the vehicle used for transporting the banned substances. There is no material available on record to indicate that the said vehicle has been leased, rented, or otherwise entrusted to any third party at the relevant time. Furthermore, the applicant has a history of criminal conduct, including previous offences of a similar nature. The investigation in the present crime is ongoing and crucial evidence, such as the CDR's, is yet to be collected. *Prima facie*, there exists sufficient material on record to suggest the applicant's involvement in the commission of the alleged offence, warranting a detailed investigation. The offence in question pertains to the unlawful trade of gutka, a banned substance, which constitutes an organised crime with serious societal repercussions. It also involves Central Excise and Income Tax statutes and financial ramifications. The menace of such illegal activities must be addressed with strict enforcement, and the present case necessitates a comprehensive investigation regarding the illegal manufacture, supply, distribution, and sale of these prohibited items. In view of the above circumstances, the gravity of the offence and its implication on society, the

custodial interrogation of the applicant appears to be essential. Accordingly, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the present application stands rejected.

[R. N. Laddha, J.]