

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

Anticipatory Bail Application No.2185 of 2025

Balaji Dada Pethe

Age: 36 years, Indian Inhabitant,

R/at Near Sairaj Hotel, Chandwadi

Fursungi, Pune-412308.

... Applicant

versus

The State of Maharashtra

Through Fursungi Police Station

Vide CR no.108 /2025.

... Respondent

Mr Neha Balani, Advocate i/by Sana Raees Khan for the applicant.

Mr Shahaji Shinde, Panel 'B' Counsel a/w Mr AS Shalgaonkar, APP, for the respondent/ State.

API Madan Kamble, Unit 6, Fursungi Police Station, Pune.

Coram: R.N. Laddha, J.

Date: 6 August 2025.

P.C.:

This is an application for pre-arrest bail filed by the applicant, who apprehends arrest in CR No.108 of 2025, registered at Fursungi Police Station, Pune City, for offences punishable under Sections 26(2)(i), 26(2)(iv), 27(3)(e), and 59 of the Food Safety and Standards Act, 2006, and Sections 123,

223, 274, and 275 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the trucks carrying banned tobacco and gutkha items were intercepted, and the prohibited articles were seized upon search. Further investigation revealed that the applicant was assisted in the transportation of these banned goods for distribution to the co-accused.

3. Ms Neha Balani, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. She submits that the applicant is not named in the FIR and has been implicated in the crime solely based on the statement of the co-accused. The applicant is a driver and was unaware of the nature of the packed goods. The main accused has already been granted pre-arrest bail, and the alleged incriminating articles have already been seized. The learned Counsel submits that there is nothing to be recovered or discovered from the applicant, and the applicant is ready to abide by any conditions imposed by this Court.

4. Mr Shahaji Shinde, the learned Additional Public Prosecutor representing the respondent/ State, opposes the

applicant's request for pre-arrest bail and contends that the offence is of a serious nature. He submits that the co-accused disclosed the applicant's involvement in the present crime. The applicant is a driver and assisted in the transportation of the prohibited articles. The investigation is nearing conclusion, and if the applicant is granted pre-arrest bail, he may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. A perusal of the case records reveals that the applicant's alleged involvement in the offence appears to stem solely from the statement of a co-accused. Apart from this solitary assertion, there is, *prima facie*, a conspicuous lack of substantial or corroborative material connecting the applicant to the commission of the alleged crime.

7. It is pertinent to note that the contraband articles, which were found in sealed and packed condition, have already been recovered and seized by the investigating agency. Furthermore, the co-accused, who is alleged to be the principal conspirator has already been granted the pre-arrest bail. There is no material on record to suggest that the applicant had any knowledge of the nature or presence of the seized contraband.

8. Additionally, it is evident that the investigation has reached an advanced stage, and there remains no recovery from the applicant. Concerns raised by the prosecution regarding the possibility of the applicant tampering with evidence or influencing witnesses can be effectively mitigated by imposing suitable conditions.

9. In view of the foregoing circumstances, this Court finds it appropriate to exercise its discretion in favour of the applicant. Accordingly, the following order is passed:

ORDER

(i) In the event of the applicant's arrest in CR No.108 of 2025, registered at Fusrungi Police Station, Pune City, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall attend the concerned Police Station on 12, 13 and 14 August 2025 between 11 a.m. and 2 p.m.,

and thereafter, as and when required by
the investigating officer.

10. The application stands disposed of accordingly.

(R.N. Laddha, J.)