



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.68 OF 2025

Vikas s/o Sundarlal Chhabada

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Sindi
(Railway), Taluka Seloo, District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. V. Navlani, Counsel for the applicant.

Ms. Sneha Dhote, APP for the non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/02/2025

1. Apprehending the arrest at the hands of police in connection with crime No.1/2025 registered with Police Station Sindi (Railway), Taluka Seloo, District Wardha for the offences punishable under Sections 123, 274, 275, 223, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and 59 of Food and Safety Standards Act, 2006.

2. As per the prosecution case, on 05.01.2025 truck bearing No. RJ 52 JA 5670 came to be intercepted which was having closed body container and on inspecting the said vehicle, huge quantity of flavoured pan masala manufactured by Ambey flavours, scented tobacco and other contraband articles were seized. On inquiry with the

driver, who disclosed that the material belongs to the present applicant and on the basis of the same, the crime was registered.

3. Heard learned Counsel for the applicant, who submitted that as far as the application of Section 328 of the IPC is concerned, which is still pending before the Hon'ble Apex Court. Learned Counsel for the applicant placed reliance on the order of the Hon'ble Apex Court in **Special Leave Petition No.6212/2024** in **Sameer Jaysingh Kanchan Vs. The State of Maharashtra** wherein the Hon'ble Apex Court considered the fact that the aspect of Section 328 is still pending before the another Bench of the Hon'ble Apex Court and released the accused on bail. He further submitted that as far as the forged bill is concerned, the applicant is not concerned and placed reliance on one agreement between DRL Logistic and Shree Venkateshvara Logistics and as per the said agreement, M/s Deepak Roadlines allows M/s Shree Venkateshvara Logistics to book consignments for Tamilnadu and will not book any sensitive goods or Hazardous goods and the company will not allow to book any goods which are not transit worthy and without GST and proper party details. Therefore, the glitch is between these two agencies and the applicant is not concerned with the same. In view of that, the applicant has not played any role as to the forgery of the bill is concerned and

therefore, the applicant's custody is not required for the investigation as to the forged bill is concerned.

4. Learned APP strongly opposed the said application and submitted that there are criminal antecedents against the present applicant. Moreover, during the investigation, it reveals that forged bill was made, and therefore, the custodial interrogation of the present applicant is required for the purpose of investigation. In view of that, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that the entire stock is already recovered as far as the investigation part is concerned, seizure is already there and the agreement which is placed on record shows that as per the agreement it is M/s Deepak Roadlines and Shree Venkateshvara Logistics, who has to transport the said goods, and therefore, they are concerned with the said bills. As far as the present applicant is concerned, at this stage, nothing is on record to show that he has played any role in preparation of the said forged bill. The aspect of the application of Section 328 is still pending before the Hon'ble Apex Court. The Hon'ble Apex Court in the order of **Sameer Jaysingh Kanchan Vs. The State of Maharashtra** (supra) considered this aspect and released the accused on bail. Considering all these aspects, the applicant has made out a case for grant of bail. In

view of that I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant **Vikas s/o Sundarlal Chhabada** shall be released on bail in connection with crime No.1/2025 registered with Police Station, Sindi (Railway), Taluka Seloo, District Wardha for the offences punishable under Sections 123, 274, 275, 223, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and 59 of Food and Safety Standards Act, on executing PR Bond of Rs.25,000/- with one solvent surety of the like amount.
- (iii) The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.
- (iv) The applicant shall not indulge himself in similar type of the activities.
- (v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed

(URMILA JOSHI-PHALKE, J.)