



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

CRIMINAL APPLICATION (BA) NO. 343 OF 2025

Ram s/o Tulsidas Karamchandani Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Arjun Raoka, counsel for applicant.

Mrs. S.S.Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/04/2025.

1. The applicant came to be arrested on 06/03/2025 registered with Police Station Bajaj Nagar, Nagpur in connection with Crime No. 38/2025 for the offence punishable under Sections 123, 214, 223, 274 and 275 of Bhartiya Nyaya Sanhita, 2023.

2. The First Information Report came to be lodged on an allegation that, he has stored the stock of Scented Tobacco, Scented Gutkha, Pan Masala worth of Rs. 4,70,460/-.

3. Heard learned counsel for the applicant, who submitted that, now the entire stock has already been recovered and the investigation is also practically completed, in view of that, he be released on bail.

He further submitted that, as far as the application of Section 328 of the Indian Penal Code, 1860, is concerned, it is still pending before the Hon'ble Apex

Court. Further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application, and submitted that the applicant has not cooperated during the investigation and has failed to disclose that he had rented the premises where the entire contraband articles were stored. During the investigation, it revealed that he has obtained the said place on rent. The rent agreement is also collected. Thus, the involvement of the present applicant revealed in the alleged incident, in view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the entire stock is already recovered, as far as application of Section 328 of the Indian Penal Code, 1860, is concerned, which is still pending before the Hon'ble Apex Court. As far as further incarceration of the present applicant is concerned, which is not required, in view of that, the application deserves to be allowed.

a] The criminal application is **allowed**.

b] The applicant – *Ram s/o Tulsidas Karamchandani* shall be released on bail in connection with Crime No. 38/2025 for the offence punishable under Sections 123, 214, 223, 274 and 275 of Bhartiya Nyaya Sanhita,

2023, on furnishing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case
- e] The applicant shall not indulge himself in similar type of activities, and if reported, the bail granted to the present applicant deserves to be cancelled.

6. The criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]