



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

CRIMINAL APPLICATION (ABA) NO.199 OF 2025

Vinodkumar s/o Mohanlal Sharma

Vs.

State of Maharashtra, through Police Station Officer, Pandharkawda,
District Yavatmal

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

Court's or Judge's orders

Mr. Shaad Firdos Mirza, Counsel for the applicant.

Ms. H. N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.1242/2024 registered with Police Station Pandharkawda, District Yavatmal for the offences punishable under Sections 123, 223, 274, 275 of the Bharatiya Nyaya Sanhita, 2023 and Sections 26(2), 27(3), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the applicant is the owner of truck bearing No.GJ-27-TF-0582 which was intercepted by the police and the scented tobacco and scented nuts were seized from the said truck. In fact, the applicant is only the transporter. He is not at all

concerned with the alleged contraband articles. Moreover, now the contraband articles are already seized. His custodial interrogation is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

3. Learned APP strongly opposed the application and submitted that the CDR and SDR reports show that there was communication between the present applicant and the other co-accused. Google locations are shared by the present applicant with the driver of the truck which shows that the applicant is indulged in the activity in transporting the contraband articles in Maharashtra. She further submitted his custodial interrogation is required as there are criminal antecedents against him. In view of that, the application deserves to be rejected.

4. After hearing both sides and on perusal of the recitals of the FIR, it reveals that on intercepting the truck owned by the present applicant contraband articles are seized. The CDR reports are also collected which shows the communication of the present applicant with the other co-accused. The Google locations are also collected by the investigating agency during the investigation. The various statements of the witnesses are also recorded. Thus, considering the fact that, the maximum investigation is already completed by the investigating agency. As far as the custodial interrogation is concerned, which

is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicant by order dated 24.03.2025 is hereby confirmed subject to the condition that the applicant shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigating agency.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
- (iv) The applicant shall not indulge himself in similar type of the activities and if a single incident is reported, the prosecution is at liberty to move the appropriate application.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)