



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

CRIMINAL APPLICATION (ABA) NO. 285 OF 2025

Akash s/o Kishor Wagh 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. K.S. Motwani, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/06/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.132/2025 registered with Police Station Deori, District Gondia for the offences punishable under Sections 26(2)(i), 26(2)(iv), 27(3)(e) and 3(1)(zz) (iv) of the Food Safety and Standards Act, 2006 and Sections 59, 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of anticipatory bail.

2. Heard learned counsel for the applicant, who submitted that the applicant is apprehending the arrest at the hands of police, as co-accused was intercepted and from them the contraband articles, i.e., pan masala and scented tobacco, were seized. The applicant is arraigned as an accused only on the basis of the statement of the co-accused. He submitted that as far as the connection of the present applicant with the other co-accused i.e. Akash Kishor Wagh, is concerned, there is no nexus between both of them. As far

as the custodial interrogation of the present applicant is concerned, which is not required, as nothing is to be recovered from the present applicant. Considering all these aspects, the applicant be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that the involvement of the present applicant was revealed during the investigation. The investigation paper shows that there was constant communication between the present applicant and other co-accused, namely Akash Kishor Wagh.

He further invited my attention towards the statement of the witnesses and submitted that it was the present applicant who was calling the said consignment and was unloading the same and was transporting the same. Thus, considering the huge quantity was seized from the co-accused, the custodial interrogation of the present applicant is required, in view of that, the prayer for grant of anticipatory bail deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, it reveals from the statements of the witnesses that it was the present applicant who was calling the said consignment of a huge quantity of contraband articles, was unloading the same, and was transporting the same. It further reveals from the statement of the witnesses that there was constant communication between the present applicant and the other co-accused, and in furtherance of

the common intention, they were transporting the said contraband articles, which are prohibited in the State of Maharashtra. The statement of the witnesses further shows that the manner in which the contraband articles were transported in a secret manner.

5. Thus, considering the statement of the witnesses, a prima-facie case is made out against the present applicant. The contraband articles attributed to the present applicant have been seized from the co-accused. The connection of the present applicant with the other co-accused and the manner in which those contraband articles, which are prohibited in the State of Maharashtra, are transported in a secret manner are sufficient grounds to reject the application. In view of that, the prayer for grant of anticipatory bail of the applicant deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]