



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

CRIMINAL APPLICATION (ABA) NO.419 OF 2025

Imran Khan Jabbar Khan Pathan

Vs.

State of Maharashtra, through Police Station Officer, Khandala,
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. M. N. Ali, Counsel for the applicant.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/07/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.41/2025 registered with Police Station Khandala, District Yavatmal for the offences punishable under Sections 26(2), 27(3), 30(2)(a) and 59 of Food Safety and Standards Act, 2006 and under Sections 123, 223, 273, 274, 275 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by Madhukar Baliram Pawar on an allegation that when he was on patrolling duty, he intercepted one vehicle Creta bearing No.MH-37-V-1319 from which the contraband articles like Ghutka,

scented pan masala and scented nuts were seized. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that the driver of the vehicle has misused the vehicle when it was in his possession. As far as the contraband is concerned, which is not owned by the present applicant. His custodial interrogation is not required as the entire stock is already recovered.

4. Learned APP strongly opposed for the same and submitted that considering the fact that contraband articles are recovered from the vehicle which is owned by the present applicant and which is prohibited in the State of Maharashtra. 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. The driver was found with the said contraband articles. 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 13/06/2025 is hereby confirmed on the condition that the applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. till filling 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.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)