



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

CRIMINAL APPLICATION (ABA) NO. 536 OF 2025

Vishal s/o Vinod Jain 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. S.A. Mohta, counsel for applicant.

Mr. V.A.Thakre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/07/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 360/2025 registered with Police Station Officer, P.S. Nadura, District Buldhana for the offence punishable under Sections 123, 223, 274, 275 of Bhartiya Nyaya Sanhita, 2023, and Sections 26(2)(i), 26(2)(iv), 27(3)(d), 27(3)(e) and 59(i) of Food Safety and Standard Act, 2007, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that on the basis of secret information, the informant visited the spot of the incident, i.e., the godown owned by the present applicant. On visiting the spot, the said go-down was locked from outside. Therefore, the investigating agency made a phone call and requested the present applicant to remain present at the spot, but he has not cooperated, and in the

presence of the pancha witnesses, the said godown was opened. At that time, the investigating agency found one Bolero Pickup vehicle bearing Registration No. MH-48-AY-3421, in which there was contraband, and the contraband was also in one room in a huge quantity, like scented tobacco, which is prohibited in the State of Maharashtra. The investigating agency seized entire material worth of Rs. 20,26,277/- including the vehicle. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the custodial interrogation is concerned, which is not required, as the entire stock is already seized, and therefore, the applicant be protected by granting anticipatory bail.

4. *Per contra*, learned APP invited my attention towards the earlier order passed by the Sessions Judge in another crime, wherein the condition was imposed that he shall not indulge in the similar type of activities. He submitted that the present applicant was found in possession of the contraband articles, in contravention of the earlier order passed by the Sessions Court, which shows that he has no regard for orders passed by the Court. In view of that, the discretion cannot be used in his favour, and therefore, the application deserves to be rejected. ‘

5. On hearing both sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that the applicant has not obeyed the order passed by the Sessions Court as to not indulge in the similar type of activities. Moreover, a huge quantity of the contraband articles which are prohibited in the State of Maharashtra are seized at his godown.

6. Considering the involvement of the present applicant, no case is made out for grant of anticipatory bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]