

# **Nandkishor S/O Rajendra Galbale vs The State Of Maharashtra, Thr. Pso, ... on 17 September, 2021**

**Author: Vinay Joshi**

**Bench: V. G. Joshi**

Order

1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 515/2021  
(Nandkishor S/o Rajendra Galbale Vs. State of Maharashtra)

Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S. A. Mohta, Advocate h/f Shri A. V. Band,  
for applicant.

Shri M. J. Khan, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : 17.09. 2021.

Heard.

2. The applicant is seeking pre-arrest protection in Crime No. 248/2021, registered with the Police Station, Pinjar, Taluka Barshitakali, District Akola for offence punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and Sections 26(2)(i), 27(2)(e), 30(2)(a) and Section 59 of the Foods Safety and Standard Act, 2006. It is primely contended that at the time of seizure, applicant was not present at said place therefore, he cannot be connected with the Order ABA515 seizure. It is submitted that the applicant is mere agriculturist having no antecedents. Moreover, it is submitted that contraband articles are already seized. The State resisted bail by filing reply affidavit. Besides reproducing contents of First Information Report (FIR), it has been stated that the applicant has stored large quantity of banned sainted 'Pan Masala' (Gutka) for the purpose of sale. The matter is under investigation. Hence, application prayed to be rejected.

3. At the instance of report lodged by the Police Officer, the crime was registered. It is the prosecution case that the Police have received secrete information that the applicant has stored

banned articles namely 'Gutka' in large quantity at his resident. Accordingly, Police arranged for raid and went to the applicant's house with Panch witness. During house search, the Police found one nylon bag containing banned 'Gutka' pouches. Precisely, those pouches were having brand name like Bahar, BHR Tobacco, Nazar Tobacco, Vimal Order ABA515 Tobacco, Vah Tobacco total worth Rs. 12,150/-. On inquiry, applicant's wife discloses that the said banned material was kept by her husband i.e. applicant in their house. The Police seized banned articles under Panchanama, took samples and sent for examination.

4. There is no explanation on the part of the applicant about seizure for his house. During course of investigation, the Police collected tax receipt to show that the said house stands in the name of applicant's father. Apparently, there was storage of banned 'Pan Masala' in huge quantity, meaning thereby for sale. Having regard to the disastrous effect of consumption of tobacco/Pan Masala way back in the eyar 2012, the State of Maharashtra has initially banned sale and storage of tobacco products. Despite prevailing ban for a decade, the banned articles have reached to the small hamlets like residence of applicant. The matter requires investigation as to from where the applicant has procured banned articles in such Order ABA515 huge quantity. In such kind of cases, investigation is necessary to uproot its genesis. The applicant's name was disclosed right from the receipt of secret information. The applicant can only assist during interrogation to disclose the source of banned articles. The applicant doses not deserve for pre- arrest bail.

5. In view of above, application stands rejected and disposed of.

JUDGE Gohane.