

Dharmendra Ghanshayamdass Hasani vs The State Of Maharashtra on 9 March, 2022

Author: Vibha Kankanwadi

Bench: Vibha Kankanwadi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 ANTICIPATORY BAIL APPLICATION NO.252 OF 2022

DHARMENDRA GHANSHAYAMDAS HASANI
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. C.C. Deshpande, Advocate for the applicant
Mr. V.M. Kagne, APP for the respondent
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 09th MARCH, 2022

PER COURT :

- 1 Heard learned Advocate appearing for the applicant.
- 2 Learned APP strongly opposes the application for grant of any

interim relief, on the ground that the matter is coming for the first time and he is yet to receive the papers. Contents of the First Information Report shows active involvement of the present applicant. 3 Perusal of the First Information Report would show that the applicant was not present at the spot with contraband articles, but it has been stated that those articles containing Gutkha which is banned in Maharashtra 2 ABA_252_2022 was caught by Jalgaon Police by Special Unit on Nizar-Nandurbar road. Further, it appears that during the course of the investigation it was found out that those articles were stored in the godown of the present applicant within the jurisdiction of Gujrat State. Learned Advocate for the applicant submits that Gutkha is not a banned article in Gujrat State. Therefore, till the papers are perused, as regards connection to be established, prima facie, he deserves to be protected.

4 Issue notice to the respondent, returnable on 25.03.2022. Learned APP waives notice for the respondent.

5 In the meantime, in the event of arrest of the applicant viz. Dharmendra Ghanshyamdas Hasani, in connection with Crime No.20/2022 dated 25.01.2022 registered with Upnagar Police Station, Dist. Nandurbar, for the offence punishable under Section 328, 272, 273 of the Indian Penal Code, 1860 and under Section 26(2)(iv), 30(2)(a) of Food Safety and Standards Act, 2006, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

6 Applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

3 ABA_252_2022 7 He should cooperate with the investigation and shall attend Upnagar Police Station, Dist. Nandurbar, on every Monday between 10.00 a.m. to 02.00 p.m., till further orders.

(Smt. Vibha Kankanwadi, J.) agd