

Roshan Subhash Pair vs State Of Maharashtra on 26 March, 2024

Author: Sarang V. Kotwal

Bench: Sarang V. Kotwal

2024:BHC-AS:14908

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 813 OF 2024

YUGANDHARA
SHARAD

Roshan Subhash Pair

.... Applic

PATIL

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by YUGANDHARA
SHARAD PATIL

Versus

Date: 2024.03.28
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The State of Maharashtra

.... Respond

Mr. Asif Ali a/w S.K. Ali Shabi Fatima i/b A.A. Siddiquie Associate
for the applicant.

Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 26th MARCH, 2024 P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 33 of 2024 registered at Roha Police Station, Raigad, on 22/02/2024, under sections 328 of the Indian Penal Code and under Section 26(2)(i), 26(2)(iv), 27(3)(d), 27(3)(e) and 59 of the Food Safety and Standards Act, 2006.

2. Heard Mr. Asif Ali, learned counsel for the Applicant and Ms. Ganapathy, learned APP for the Respondent-State.

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3. The FIR is lodged by police constable Hari Mengal. He has stated that he is working at Roha Police Station since 2018. On 22/02/2024, when he was present in the Police Station, the Police Officers received a secret information that a Tempo bearing No. MH-06-BJ-4504, was travelling from Nagothane towards Roha. It was carrying the prohibited food articles like tobacco and gutkha.

The Police officers arranged to conduct a raid. At about mid-night, they intercepted the said tempo and asked the driver to stop it. However, it was not immediately stopped. It was stopped at some distance. The driver got down from the tempo and ran away. The Police Officers chased him but he was not caught. It is specifically mentioned in the FIR that the first informant had recognised him and it was the present Applicant. His name is mentioned in the FIR. It is mentioned that the driver was Roshan Pair, resident of Virjoli. The tempo was searched. It was found that there were 44 packets of pan masala and 44 packets of tobacco. These are the banned articles under the Food Safety and Standards Act. Samples were drawn for analysis. Property was seized. On this basis, the FIR is lodged.

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4. Learned counsel for the Applicant submitted that the prosecution case is not true. The Applicant was not a well known person who could have been identified by the first informant. There are vague allegations against the Applicant. He submitted that he is falsely implicated.

5. Learned APP submitted that the Applicant has one more case registered against him in the year 2018 of which the concerned Magistrate had taken cognizance. She further submitted that since the Applicant is from the same area, the first informant was knowing him. That is how his name is mentioned in the FIR.

6. I have considered these submissions. The FIR speaks for itself. The Applicant had not co-operated with the investigation. He had got down from the tempo and had ran away. At this stage, there is no reason to disbelieve the first informant who has mentioned the Applicant's name and has also mentioned his village. The informant was knowing the Applicant. The FIR is y.s.patil 3 of 4 12-ABA-813-2024.odt lodged immediately. The tempo was found containing the contraband articles. The offence is made out. In this view of the matter, the custodial interrogation of the Applicant is necessary to find out who is the supplier and the receiver of the said property. Considering these aspects, no case for grant of anticipatory bail is made out. The Application is rejected.

(SARANG V. KOTWAL, J.)

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