

# Murlidhar S/O Bacchumal Sachdev vs State Of Mah. Thr. Pso Allipur Wardha on 8 August, 2024

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14.aba577.2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR  
CRIMINAL APPLICATION (ABA) NO. 577 OF 2024  
Murlidhar s/o Bacchumal Sachdev  
Vs.

State of Maharashtra, Thru. PSO Allipur, Wardha

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

Court's or Judge's Order

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Mr. Mahesh Rai, Advocate for applicant.  
Mr. K.R. Lule, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.  
DATE : 08.08.2024

Apprehending the arrest at the hands of police in connection with Crime No.363/2024 registered with Police Station Allipur, District - Wardha, for the offence punishable under Sections 275, 274, 223, 123 of the Bharatiya Nyaya Sanhita and Section 3(1)(zz)(iv), 30(2)(a), 27(3)(e) and 26(2)(iv) and 26(1) of the Food Safety and Standards Act, 2006, the applicant approached to this Court for grant of pre-arrest bail.

2. The applicant is apprehending arrest at the hands of police as crime is registered, on the basis of report lodged by Rajesh B. Yadav, Food Inspector, on an allegation that, he received the information regarding selling of contraband i.e.

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scented nuts and scented tobacco. Therefore, he conducted the raid and the applicant was found in possession and transporting the contraband. On the basis of the said, crime was registered 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 recovered. He submitted that merely on

the suspicion ground, crime is registered against the present applicant, he is ready to co-operate with the investigating agency, in view of that, he be protected by granting ad-interim protection.

4. Learned APP strongly opposed the said application on the ground that the prohibited contraband articles are found in possession of the present applicant, his custodial interrogation is required. In view of that, prayer for grant of ad-interim protection deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR, it reveals that the entire contraband is already seized and in the possession of the present applicant, as far as the interrogation part is present, which can be taken care of by imposing

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certain conditions, in view of that, the prayer for grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass the following order : -

ORDER

(a) In the event of the arrest in connection with Crime No.363/2024 registered with Police Station Allipur, District - Wardha, for the offence punishable under Sections 275, 274, 223, 123 of the Bharatiya Nyaya Sanhita and Section 3(1)(zz)(iv), 30(2)(a), 27(3)(e) and 26(2)(iv) and 26(1) of the Food Safety and Standards Act, 2006, the applicant Murlidhar s/o Bacchumal Sachdev shall be released on ad- interim anticipatory bail on executing PR bond of Rs.25,000/- with one surety in the like amount.

(b) The applicant shall attend the concerned Police Station once in a week on Sunday between 10:00 a.m. between 1:00 p.m. and shall co-operate with the investigating agency.

(c) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. Stand over after two weeks.

(SMT. URMILA JOSHI PHALKE, J) Signed by: Mrs. PrityPrity Gabhane Designation: PA To Honourable Judge Date: 08/08/2024 19:09:43