

# Hemantsingh Vishwanathsingh ... vs The State Of Maharashtra on 4 June, 2021

**Author: Sandeep K. Shinde**

**Bench: Sandeep K. Shinde**

9. ABA-1322-2021.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 1322 / 2021

Hemantsingh Vishwanathsingh Bhadoriya

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

\*\*\*\*

Mr. Rajesh More i/by Ms. Apama R. More, Advocate for Applicant. Mrs. M.M. Deshmukh, APP for State.

\*\*\*\*

CORAM : SANDEEP K. SHINDE J.  
DATE : 4th JUNE, 2021.

VACATION COURT (Through Video Conference) P.C. :-

Heard.

1. Prima-facie, the report indicates the Applicant was loader, who had loaded the contraband in a vehicle at the instance of his employer, in the State of Gujarat. The vehicle was inspected in the

9. ABA-1322-2021.doc State of Maharashtra, whereupon the huge quantity of gutka was seized. On a report, Crime No. 66 / 2021 registered at Wanawadi Police Station under Sections 328, 109, 120-B, 271, 272, 273, 188 read with 34 of the Indian Penal

Code, 1860 and Section 26 of the Food Safety and Standards Act, 2006.

2. The learned trial Court, when rejecting the application has observed in Paragraph No. 5, that "there is no prohibition to sale the contraband in the Gujarat State, however, there is total prohibition to sale the contraband in the State of Maharashtra which was transported in the Maharashtra State from Gujarat." Prima facie, complaint does not indicate applicant's possession over contraband either actual or construction.

3. Learned APP seeks time to verify. She has no instructions since application is coming up for hearing for the first time. As such, time granted. Stand over to 23rd June, 2021.

9. ABA-1322-2021.doc

4. In consideration of facts of the case, role attributed to the Applicant, till the next date, the Applicant shall not be arrested.

However, he shall join the investigation as and when called. The Applicant is directed to provide his particulars of his permanent residential address and contact details to the Investigating Officer on or before 5th June, 2021.

5. Stand over to 23rd June, 2021 for further consideration.

(SANDEEP K. SHINDE, J.)