

# Hiralal Uttam Patil vs The State Of Maharashtra And Another on 29 July, 2024

**Author: Shivkumar Dige**

**Bench: Shivkumar Dige**

2024:BHC-AUG:16094

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595.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.  
58 ANTICIPATORY BAIL APPLICATION NO. 595 OF 2024  
HIRALAL UTTAM PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for Applicant : Mr. Patil Jitendra Vijay  
APP for Respondent/State : Ms.V.S. Chaudhari

...  
CORAM : SHIVKUMAR DIGE, J.  
DATE : 29th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with F.I.R. No.111 of 2024 registered with MIDC Police Station, Jalgaon, for the offences punishable under sections 328, 188, 272, 273 of the Indian Penal Code (For short, "IPC") and sections 26 and 27 of the Food Safety and Standard Act, 2006.
2. It is the prosecution's case that on 23 rd February, 2024, at around 12 noon, the police received secret information and raided one godown situated in M.I.D.C. area where the applicant was present. During the search of said godown, the police found prohibited articles along with Gutkha around Rs.14,01,612/-. It is alleged that when the police inquired with the applicant about the said Gutkha, he ran away from the incident spot when the police were loading the seized Gutkha

in the vehicle.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The entire

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contraband has been seized by the police. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is the contention of the learned APP that at the incident spot the police have received the contraband articles from two places around Rs.15,00,000/-. Custodial interrogation of the applicant is required to know the source of said prohibited articles, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The police have seized the contraband articles. The applicant easily ran away in presence of police from the incident spot. Considering the allegations against the applicant, his custodial interrogation is not required and I pass the following order :-

#### ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with F.I.R. No.111 of 2024 registered with MIDC Police Station, Jalgaon, for the offences punishable under sections 328, 188, 272, 273 of the Indian Penal Code and sections 26 and 27 of the Food Safety and Standard Act, 2006, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

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(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[ SHIVKUMAR DIGE, J. ] sga