

Mukesh Vijay Mishra vs The State Of Maharashtra on 24 May, 2022

Author: Bharati Dangre

Bench: Bharati Dangre

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1337 OF 2022

Mukesh Vijay Mishra		.. Applicant
	Versus	
State of Maharashtra		.. Respondent
	...	

Mr. Hare Krishna Mishra for the applicant.
Mr.A.R. Patil, APP for the respondent State.

CORAM: BHARATI DANGRE, J.
DATED : 24th MAY, 2022
(Vacation Court)

P.C:-

1 The applicant is owner of a vehicle in which the prohibited substance i.e. gutka was being transported when the vehicle was intercepted. The incident resulted into registration of C.R.No. 0517/2021 with Waliv police station on 31/5/2021, invoking Sections 328, 269, 270, 273, 188, 26(2)(iv), 27(1), 30(2) of The Food Safety and Standards Act, 2006.

2 The accusations faced by the applicant is that he is the owner of the vehicle in which the prohibited substance worth Rs.Four lakhs was being transported. The owner of the tempo/vehicle in which the alleged goods were being transported ran away from the spot and the vehicle led to the present

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applicant, being it's owner. The products which were alleged to be transported were seized by the police on 31/5/2021. Perusal of the FIR would reveal that the offence is registered against the unknown person i.e. driver of the vehicle, when the vehicle was intercepted. When particularly asked, whether the person who had booked the consignment for its transportation has been arraigned as an accused and whether there is any investigation conducted on the aspect as to who has booked the consignment and where was the consignment heading to, the learned APP is not able to throw any light (as he has no instructions on the aspect).

3 Accepting the contents of the FIR as it is, since the prohibited substance is now recovered and the applicant is arraigned as an accused, merely on the ground that he was the owner of the vehicle, unless and until the role attributed to him, is specifically clear as to whether he had any mens rea in permitting transport of the prohibited substance in his vehicle, he deserve an ad-interim protection. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant -Mukesh Vijay Mishra in connection of C.R.No.517/2021 registered with Waliv police station shall be released on bail on furnishing P.R. bond to the Tilak 3/3 8 ABA 1337-22.doc extent of Rs.25,000/- each with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall attend the concerned police station on every Thursday between 2.00 p.m to 5.00 p.m for a period of two weeks and thereafter as and when called by the Investigating Officer. Re-notify to 7/6/2022.

(SMT. BHARATI DANGRE, J.) Tilak