

Vishalkumar Vijaybhai Panchal vs The State Of Maharashtra on 26 September, 2022

Author: S. G. Mehare

Bench: S. G. Mehare

7 - ABA - 1262 - 22

(1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1262 OF 2022

VISHALKUMAR VIJAYBHAI PANCHAL
VERSUS
THE STATE OF MAHARASHTRA

Mr. R. S. Wani, Advocate for applicant;
Mr S. B. Narwade, A.P.P. for respondent/State

CORAM : S. G. MEHARE, J.

DATE : 26th September, 2022 P.C.

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent, returnable on 03.10.2022.
3. The learned A.P.P. waives service of notice for the respondent.
4. The applicant has a case that he is a resident of Gujrat and an employee of Ekta Enterprises, Vapi, Gujrat, which loaded the raw tobacco to be delivered at Raipur in the State of Chhattisgarh. However, the truck was passing through the State of Maharashtra. The police stopped the truck. No offence is made out against him.
5. It has been alleged against the applicant that the complainant had a secret information about transporting the scented tobacco. The use and stock of the scented tobacco is prohibited in the State of Maharashtra. When the vehicle was brought in the police station, the inquiry was made with a driver Kishor. He did not support the police 7-ABA-1262-22 to give the information about the supplier of the scented tobacco. The purchase bill was not available with him. However, the apprehended driver told the police that he was transporting the said tobacco from Vapi, Gujrat to Nagpur, Maharashtra. Therefore, the offence has been registered against him.

5. The learned counsel for the applicant would submit that the applicant is the employee of the Ekta Enterprises. By producing the invoices, the learned counsel for the applicant has vehemently argued that the goods were to be delivered to Raipur in the State of Chhattisgarh. In both these States, there is no prohibition as in the State of Maharashtra. Therefore, no offence is made out.

6. The State has opposed the application contending that the driver informed the police that he was delivering the tobacco to Nagpur. Therefore, it is an offence.

7. The State also has a case that the tobacco was transported and was to be delivered at Nagpur. As against this, the applicant has a case that the said tobacco was to be delivered at Raipur in the State of Chhattisgarh. Considering the controversy, till hearing of the application, the applicant deserves to be granted interim protection. Hence, the following order :-

In the event of arrest, applicant Vishalkumar Vijaybhai Panchal, be released on interim bail, on furnishing PB and SB of Rs.25,000/-, 7-ABA-1262-22 with one solvent surety of like amount, in C.R. No.0241 of 2022, registered with Visarwadi Police Station, Taluka Nawapur, District Nandurbar, for the offence punishable under Sections 272, 273, 328, 188 of the Indian Penal Code and Sections 30(2)(a), 26(2)(i), 27(3)

(e), 26(2)(iv) and 59 of the Food Safety and Standards Act, 2006.

(S. G. MEHARE, J.) amj