



**Order below Exh.1 in Cri. Bail Application No.192/2022**  
**[Atul Ashok Shinde V/S State]**

The present application is moved by the applicant-accused Atul Ashok Shinde in connection with CR No.22/2022 with Deola Police Station for the offence under Sections 328, 188, 272, 273 r/w 34 of the Indian Penal Code.

2. It is stated in the application that, the applicant-accused was apprehended by the Police on 02.02.2022 with in connection while transporting of prohibitory Gutkha/Pan-Masala worth Rs.57,27,315/- by asher Truck bearing No.MH-15/DV-7623. This is an regular bail application filed under Section 439 of the Cr.P.C. It is stated in the application that, under Section 328 of the I.P.C. is not applicable and except 328 other offences are ofailable. The applicant-accused prayed for bail.

3. The bail application opposed by the State. I.O. present and submitted his report.

4. Perused the record. Heard both the parties.

5. Shri. Nikam holding Advocate Shri. Rahul Kasliwal submitted that, the applicant is driver and he unaware about the product, which was prohibitory. Therefore, applicant-accused being a driver and he can not be implicated in the present case. He is innocent. He is resident of Panchavati, Mahasrul, Nashik. He will abide by the conditions that may be laid down by this Court. Hence, he prayed for bail.

6. On the other hand, the Ld. A.P.P. Shri. Suryawanshi

submitted that the applicant-accused was earlier apprehended by the Adgaon Police in C.R. No.155 of 2018 in connection with N.D.P.S. case. Thus, he is habitual and of criminal mind and therefore his bail application may be rejected.

7. So far as the allegations mentioned in the F.I.R. are concerned, the Truck carrying the Gutkha/Pan-Masala he is apprehended by the Police. The applicant-accused is in Jail. No purpose will be served by keeping him in jail for in-definite period. Therefore the application is allowed. Hence, following order is passed.

**ORDER**

- 1) Application is hereby allowed.
- 2) In the event of arrest the Applicant Atul Ashok Shinde be released on bail in connection with CR No.22/2022 with Deola Police Station for the offence under Sections 328, 188, 272, 273 r/w 34 of the Indian Penal Code be enlarged on bail, on his executing personal bond of Rs.30,000/- with one or more solvent sureties in like amount.
- 3) He shall attend to Police Station on every Friday in between 11.00 a.m. to 01.00 p.m. till the filing of the Charge-sheet.
- 4) He shall co-operate to the concerned I.O. in the investigation.
- 5) He shall to furnish the bail in Ld. Lower court.
- 6) Inform all the concerned accordingly.

Date - 21.02.2022

**(M. A. Shinde)**  
Additional Sessions Judge-8,  
Nashik.