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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4819 OF 2015

Balu @ Pravin s/o Sanjay Zanwar ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Patel Shaikh Ashpak Taher, Advocate for applicant;
Mr R.B. Bagul, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 15th October, 2015

ORAL ORDER :

Heard.

2. By the present application, the applicant seeks release on bail, in the event of his arrest, in connection with C.R. No.I-153 of 2015, registered with Police Station, Badnapur, Tq. Badnapur, Dist. Jalna, for offences punishable under sections 30 (2) (A), 26 (2) (4), 27 (3) (E), 3 (1), (ZZ) (V), 59 of Food Safety Act and sections 188, 372, 273, 328 and 420 of the Indian Penal Code.

3. The allegations made in the first information report are that the applicant was a prospective buyer of banned food items.

4. The material that was seized is already in the custody of the investigating agency. There is hardly anything left to be seized.

5. Apart from above, the Apex Court, in the matter of **Joseph Kurian Vs. State of Kerala**, reported in **(1994) 6 SCC 535**, has already ruled out that the provisions of section 328 of the Indian Penal Code are not

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attracted in such case.

6. So far as the offence under section 372 of the Indian Penal Code is concerned, perusal of the first information report does not reflect that the applicant is alleged to have committed such offence.

7. In view of above, in my opinion, it will be appropriate to grant pre-arrest bail to the applicant. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.I-153 of 2015, registered with Police Station, Badnapur, Tq. Badnapur, Dist. Jalna, for offences punishable under sections 30 (2) (A), 26 (2) (4), 27 (3) (E), 3 (1), (ZZ) (V), 59 of Food Safety Act and sections 188, 372, 273, 328 and 420 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

The applicant shall attend the concerned police station, initially for four days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj