

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4616 OF 2018

Prabhakar C. Gawans

.... Petitioner

versus

State of Maharashtra & Anr.

... Respondents

.....

- Mr.Ayaz Khan, Advocate for Petitioner.
- Mrs.A.S. Pai, APP for Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.**

DATE : 29th NOVEMBER, 2018.

P.C. :

1. Heard respective Counsel. Learned APP for Respondent No.1 is seeking time to obtain instructions. She points out that Respondent No.2 also needs to be served.
2. After hearing learned Counsel for the parties we find that the grievance is in relation to putting seal upon Petitioner's factory. The Panchanama, under which Tetrahydrocannabinol (THC) has been seized, only mentions fact of putting seal. According to learned Counsel there is no separate order to that effect. He points out that while granting regular bail to Petitioner, this

Court has made certain observations in this respect. He also adds that Petitioner has not been prosecuted for main offence and in this situation before trial Court on 05/04/2017 he moved an Application for desealing the factory premises. That application is still pending without any response and orders.

3. We find material on record insufficient to enable us to take cognizance in extra-ordinary jurisdiction. However, as factory is sealed since long, we grant Petitioner leave to make representation to Respondent No.2 to point out these facts and contentions. If such representation/application is filed within two weeks from today, Respondent No.2 shall take decision within two weeks thereafter.
4. Needless to mention that all defences and contentions available to parties are kept intact.
5. With these directions, we dispose of present Petition.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)