

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

ANTICIPATORY BAIL APPLICATION NO. 1022 OF 2019

Shri Birama Karamchand Gidwani Applicant

versus

The State of Maharashtra Respondent

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- Mr. Umesh R. Mankapure, Advocate for Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd AUGUST, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No. 128/2019 registered with Sangli City Police Station, District-Sangli under Sections 188, 272, 273, 328 r/w. 34 of Indian Penal Code and Section 26(2), 26(2)(iv), 27(3)(e) r/w. 2, 3 and 4 (Prohibition Restriction on Sales) Regulation 2011 and Section 59 of Food Safety and Standard Act, 2006.

2. The F.I.R. is lodged by Food Safety Officer, Dattatray Koli on 30th March, 2019. He has stated that on 29th March, 2019, at about 4.00 p.m., informant alongwith Panchas and Police Officers went to a godown at Ganpati Peth, Sangli. They searched the godown, the present applicant was present there, therefore, after informing him raiding party entered in the godown and found that there were goods which are prohibited under the orders passed by the Commissioner under Food Safety and Standard Act, 2006. The goods consisted of 220 packets of Jarda, 220 packets of Pan-Masala, 24 sainted tobacco and 8 packets of R.M.D. Pan-Masala. The prohibited goods were seized. The applicant was present but could not give any explanation from where he had purchased the prohibited goods. On this basis, the offence is lodged.

3. Heard learned counsel for the applicant and learned APP for the State.

4. Learned counsel for the applicant submitted that the

applicant is paralytic therefore, he should not be arrested. He submitted that no offence is made out against him.

5. Learned A.P.P. resisted this application by submitting that the offence is clearly made out. The applicant's presence was established and therefore, no ground is made out for grant of anticipatory bail.

6. I have considered these submissions. The F.I.R. shows that the prohibited goods were found in the godown. The applicant was in possession of the godown and he was present there. He could not give any explanation as regards to the seized goods which were prohibited goods therefore, offence is clearly made out. He did not explain who had sold these articles or to whom he was intending to sell these goods. The applicant's custodial interrogation is necessary. Insofar as medical condition of the applicant is concerned, no such documents are annexed to the application that he is suffering from any serious ailment. The Investigating Officer as well as the Remand Court will undoubtedly

take this aspect into consideration in taking further action. However, no case is made out for grant of anticipatory bail. Hence, I am not inclined to grant anticipatory bail to the applicant. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)