

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

ANTICIPATORY BAIL APPLICATION NO. 1270 OF 2019

Pankaj Satish Soni Applicant
Versus
The State of Maharashtra Respondent

- Mr. R. V. Gupta I/b. Mr. Nitin s. Borkar, Advocate for applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.
- Mr. Gunda Bapu Kamble, P.C., Tasgaon p.stn., present.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 212 of 2019 registered with Tasgaon Police Station, Dist. Sangle, under sections 188,272,273 and 328 of the Indian Penal Code and Section 59 of Food Safety and Standards Act.

2. The FIR is lodged by Food Safety Officer attached to Food and Drug Administration, Sangli on 09/04/2019. It is mentioned in the FIR that on 08/04/2019 the first informant was informed by the police regarding the banned articles having been stored by the present applicant. On such information, the first informant, his colleagues and police officers went to the spot. They

found out that at plot No.390, Dattamal, applicant had stored large quantity of banned articles consisting of tobacco, pan masala etc. The applicant was present at the spot. Since these articles were banned, the offence was registered.

3. Heard learned counsel Shri. Gupta for the applicant and Shri. Agarkar, learned APP for the State.

4. Learned counsel for the applicant submits that the offence U/s.328 of I.P.C. is not made out. He further submitted that entire articles are seized by the police, therefore, custodial interrogation of the applicant is not necessary.

5. The Division Bench of this court at Aurangabad, in Criminal Application No.4353 of 2016 and 4354 of 2016 has already taken a view that in such cases S.328 of I.P.C. is attracted. Hence, in this view of the matter, the custodial interrogation of the applicant is necessary to find out from where he had procured the banned articles and if there is any consistent violation of law on his part. There is no merit in the application. The application is dismissed.

(SARANG V. KOTWAL, J.)