

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2567 OF 2018

Vishal Shantilal Dudu] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Kuldeep Patil i/b Mr. Prashant Hagare, Advocate for the Applicant.

Mr. S.R. Agarkar, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 18 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.491/2018 registered with Walchandnagar Police Station, Pune (Rural) u/sec. 328, 188, 272, 273 of I.P.C.

2. The FIR is lodged by one Shubhangi Ankush who was Food Safety Officer attached to Food and Drugs Administration, Pune. According to her, PSI Dhotre attached to Walchandnaga Police Station informed her that, large quantity of banned substances like Pan Masala, Tobacco etc. was found by the police party within the limits of

Bhavani Nagar Police Outpost Zone, Kolhapur. Therefore, in this context the FIR was lodged.

3. The FIR mentions that large quantity of such banned articles were found in the shop of present applicant in Bhavani Nagar Gala No.16. The articles were worth more than Rs.1,00,000/-. That was in violation of the prohibitory order issued by the Commissioner under the Food and Safety Standards Act, 2006.

4. Heard Mr. Kuldeep Patil, Ld. Counsel for the Applicant and Mr.S.R. Agarkar, APP for the State/Respondent.

5. Ld. Counsel for the applicant submitted that Section 328 of I.P.C. is not attracted in respect of those banned articles. This submission has to be rejected. The Division Bench of this Court at Aurangabad has already taken a view in the case of **Vasim s/o. Jamik Shaikh Vs. The State of Maharashtra and Anr., Criminal Application No.4353 of 2016** and **Daulatram s/o. Manoharlal Agrawal, Criminal Application No.4354 of 2016** that in such cases Section 328 of I.P.C. is attracted. In this view of the matter, offence is

clearly made out. The custodial interrogation of the applicant is necessary to find out from where he procured these banned articles and in the past whether he was involved in similar offences. There is no merit in the application. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)