

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1856 OF 2019

Arvind Gangadhar Binde and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.Kuldeep S. Patil for applicant.
Mr.R.M.Pethe, APP, for State.
ASI Mhatre, Khopoli Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th August 2021

PC :

1. The applicants are apprehending arrest in CR No.153 of 2019 registered with Khopoli Police Station on 26-7-2019 for offences under Sections 328, 188 r/w 34 of IPC and under Section 59 of Food and Drugs Safety Act.

2. The case of prosecution is that information was received that accused Bunty Pardeshi is indulging in sale of Gutkha and tobacco products which was banned by the Government and on receipt of said information it was decided to conduct raid. Thereafter raid was conducted and Bunty Pardeshi was found at the premises with banned substance. Raid was conducted at another place where another accused Riyaz Shaikh was arrested.

3. The contention of applicant is that they are not named in the FIR. They were not found present in the premises from where the banned substance was recovered. The applicant was granted interim protection vide order dated 23-8-2019.

4. Learned APP, on instructions from the officer who is present in Court, submitted that charge sheet was filed against arrested accused as well as against applicants after execution of interim order dated 23-8-2019.

5. Considering the factual aspects and also the aspect that on execution of interim order the charge sheet is filed against applicants, the applicants need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 23-8-2019 is confirmed;
- (iii) In the event of arrest of applicants in connection with CR No.153 of 2019 registered with Khopoli Police Station, the applicants be released on bail on their executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

(PRAKASH D. NAIK, J.)

MST