

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

ANTICIPATORY BAIL APPLICATION NO.280 OF 2022

Rajesh Jaiprakash Choudhary Applicant
versus
State of Maharashtra & Anr. Respondents

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- Mr.R. N. Kachare, Advocate for Applicant.
- Smt.A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th FEBRUARY, 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.856/2021, dated 14/12/2021, registered with Navghar Police Station, under sections 328, 188, 273 of the Indian Penal Code and under sections 26(2), 26(4), 30(2)(a) of Food Safety and Standards Act, 2006.

2. Heard Mr.R. N. Kachare, learned counsel for the Applicant and Smt.A. A. Takalkar, learned APP for the State.

3. The FIR is lodged by constable Sandip Sudhakar Shinde attached to Crime Branch, Mira Bhayander Vasai Virar Police Station. He has stated that on 14/12/2021 the police

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officers received a secret information that one Basraj Yadav was selling prohibited articles in the form of Gutkha, Tobacco etc. at Jay Ambe Apartment, Bhayander (W). The police arranged to conduct raid. Panchas were called and they went to that place. Raid was conducted. Articles were seized. The samples were taken. The person Basraj Yadav was apprehended. He gave information that he was buying those articles from one Vikas Chaudhary. The police party arranged to conduct raid where Vikas Chaudhary was to come at the spot as informed by Basraj Yadav. The co-accused Vikas came at the spot with his vehicle. In his vehicle, as well as in his house even larger quantity of prohibited articles were found. He was also arrested. On this basis this FIR is lodged.

4. Learned counsel for the Applicant submitted that the present Applicant is not named in the FIR. He has no connection with the offence. He is arrested only because he is brother of one of the accused.
5. Learned APP opposed this application and on instructions submitted that the co-accused Vikas Chaudhary was

interrogated. He was specifically asked as to from where he had brought the prohibited articles. He gave 10 names, out of which, the Applicant's name was also mentioned.

6. I have considered these submissions. Though the Applicant's name is not mentioned in the FIR, investigation is in progress and during investigation co-accused Vikas Chaudhary has specifically named the Applicant as one of the suppliers. The prohibited articles which were recovered from Vikas are in large quantity. Therefore this needs to be investigated thoroughly and since the investigating agency is proceeding on the basis of definite information, the Applicant's custodial interrogation is necessary. No case for grant of anticipatory bail is made out.

7. It is also important to note that according to investigating agency, the Applicant has one similar antecedent to his discredit. Therefore considering all these aspects the application is rejected.

(SARANG V. KOTWAL, J.)