

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

ANTICIPATORY BAIL APPLICATION NO. 674 OF 2022

Anita Santosh Singh & Anr.

..Applicants

v/s.

The State of Maharashtra
Through Narpoli Police Station

..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 675 OF 2022**

Rahul B. Deshmukh & Ors.

..Applicants

v/s.

The State of Maharashtra
Through Narpoli Police Station

..Respondents

Mr. Pramod G. Kathane for the Applicants.
Mrs. A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 15th MARCH, 2022.**

P.C.

1. By these applications under Section 438 Cr.P.C. the Applicants herein have sought pre-arrest bail, apprehending their arrest in C.R.No.109 of 2022 registered with Narpoli Police Station, Bhiwandi, for the offences under Section 188, 420 of IPC and Section 18(c) of Drugs and Cosmetics Act, 1940.

2. Heard Mr. Kathane, the learned Counsel for the Applicants and

Mrs. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered against the Applicants, pursuant to the complaint lodged by Drug Inspector, Prashantkumar B. Aaswar. It is alleged that the Drug Inspector Mr. Pravin Haridas Raut, had conducted inspection in the factory premises of M/s. Shwet Biotech Pvt. Ltd., of which the Applicants are the Directors. It is stated that 311 unlabelled plastic cans containing Citric Acid solution, some cans having batch numbers of Shri Saraswati Industries, whose license was cancelled, were found in the said premises. It is further stated that despite notice dated 06.01.2022 to stop manufacturing, the production had continued. Hence a complaint was filed alleging that between 21.12.2021 to 19.02.2022, the Applicants and others, conspiring with each other, had kept the stock of Saraswati Industries and had also manufactured and sold the product of Ms. Shwet Biotech, inspite of Stop Production Notice dated 06.01.2022. The production was continued, without conducting production test and maintaining proper records, and had thereby committed offence under Section 18(c) of the Drugs and Cosmetics Act and cheated the Government of its revenue.

4. The main offence alleged against the Applicants is of violating the

provisions under Section 18(c) of the Drugs and Cosmetics Act, 1940. The said offence is punishable with maximum imprisonment of 5 years, It is stated that the said offence is bailable offence.

5. Considering the above facts, in my considered view, this is not a case which warrants custodial interrogation. Hence, the Applications are allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.109 of 2022 registered with Narpoli Police Station, Bhiwandi, the Applicants herein above be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) each with one or two solvent sureties in the like amount;
- (ii) The Applicants shall report to the Investigating Officer for four days from 21st March, 2022 between 11.00 a.m. to 2.00 p.m. and further as and when directed by the Investigating Officer;
- (iii) The Applicants shall provide their permanent as well as temporary address, if any, and her contact details to the Investigating Officer;
- (iv) The Applicants shall not change their residential address

without prior intimation to the Investigation Officer;

(v) The Applicants shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR
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(ANUJA PRABHUDESSAI, J.)