

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the issue of applicability of Section 328 of IPC to the tobacco products is still pending before the Hon'ble Supreme Court. It is submitted that nothing is to be recovered at the instance of the present applicant and therefore custodial interrogation of the present applicant is not necessary.

6. On the other hand, the learned APP for the State submits that there are more than five offences of similar nature registered against the present applicant.

7. The issue of applicability of Section 328 of the IPC to tobacco products is still pending before the Hon'ble Supreme Court. Admittedly the incriminating tobacco products were found in possession of the co-accused. Nothing is to be recovered at the instance of present applicant and therefore his custodial interrogation is not necessary. Considering these facts, I am inclined to release the applicant on anticipatory bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Mohammad Sabir Khalid Khan be released on bail in Crime No. 223 of 2022 registered at Taloja Police Station, for the offence punishable under Sections 328, 272, 273, 188 r/w. 34 of Indian

Penal Code and Sections 26, 27 and 59 of the Food Safety and Standards Act, 2006 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station on every alternate day from 25th October 2022 for a period of two weeks between 11.00 a.m. and 2.00 p.m. and thereafter, as and when called by the investigating officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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