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

ANTICIPATORY BAIL APPLICATION NO.2896/2022

SURAJ HARISH THAKKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. S. K. Ali a/w. Ms. Kainat Shaikh for the applicant.
Ms. A. A. Takalkar, APP for State.
Mr. Ganesh Musle, PSI, Manpada Police Station, Dombivali.

**CORAM : M. S. KARNIK, J.
DATE : NOVEMBER 23, 2022.**

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for pre-arrest bail in respect of First Information Report No.0736 of 2022 dated September 19, 2022 registered with Manpada Police Station for the offence punishable under Sections 328, 272, 273 of the Indian Penal Code and Section 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a) of the Food Safety and Standards Act, 2006.
3. A secret information was received that at village Vadavali one truck carrying 'gutkha' was parked. As per the directions of API Shri Avinath Wanve two panchas were called. A trap was laid at around 10.10 p.m. when two

persons sitting in the truck tried to run away. One of them was caught. On search it was found that the truck contained contraband 'gutkha' in bulk quantity. These two persons have been released on bail. While in custody, these co-accused have named the applicant and stated that the consignment belongs to the applicant.

4. Learned APP prayed for custodial interrogation of the applicant.

5. The entire consignment and the truck has been seized. The co-accused are released on regular bail. Learned APP submitted that the applicant had indulged in similar such offences in the past registered with Narpoli Police Station, Kashimira Police Station and Rabale Police Station. It is alleged that it is the applicant who is involved in transporting 'gutkha' from different states.

6. The issue of applicability of Section 328 of the Indian Penal Code 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. This application could be allowed by imposing stringent conditions considering the facts and circumstances of the present case and the past offences registered against the applicant. Hence the following order.

ORDER

(a) In the event of arrest of the applicant-Suraj Harish Thakkar in First Information Report No.0736 of 2022 dated September 19, 2022 registered with Manpada Police Station, the applicant shall be released on bail on his furnishing P.R. bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

(b) The applicant to report to the Manpada police station, every alternate day, between 4.00 p.m. and 6.00 p.m. till filing of the chargesheet.

(c) The applicant shall furnish the details of his residential address and phone numbers to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)