

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2927 OF 2022**

Chhotu Ramkumar Singh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. Tushar Sonawane for the Applicant.

Ms. A.A. Takalkar, A.P.P. for the State/Respondent.

Mr. Chaudhary, PSI, Navghar Police Station.

**CORAM: BHARATI DANGRE, J.
DATED : 18th OCTOBER, 2022**

P.C:-

1. Heard learned counsel for the applicant, learned APP for the State.

The applicant is apprehending his arrest in C.R. No. I-762 of 2022, registered with Navghar Police Station, which invoked Sections 272, 273, 328 with Sections 26 (2)(i), 26(2)(iv), 27(3)(d) , 27(3)(e) of Food and Safety Act. The applicant is apprehending his arrest since the co-accused, from whom the prohibited substance worth Rs.47,880/- in form of Gutka has been recovered has named the applicant as its supplier.

The issue as to whether the provisions of Section 328 can be attracted in the peculiar facts when the prohibited substance is

recovered is at present under the scrutiny of the Hon'ble Apex Court, as a Division Bench of this court in case of *Anand Ramdhani Chaurasia & anr Vs. The State of Maharashtra*, has taken a view that, it is not applicable. The said decision has been stayed by the Hon'ble Apex Court on its legality being questioned by the State of Maharashtra.

My attention has been invited to the various orders passed in similar matters, where the Hon'ble Apex Court had directed that the petitioners, who are accused of section 328 would not be arrested subject to they rendering their cooperation in the Investigation.

I am therefore inclined to follow the same pursuit and protect the applicant by exercising the discretion in his favour, subject to the stipulation that the applicant shall not indulge in the activity of similar nature, while on bail.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest, Applicant - Chhotu Ramkumar Singh shall be released on anticipatory bail in connection with C.R.No. I-762 of 2022 registered with Navghar Police Station, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall mark his attendance before the

concerned police station on 27/10/2022 and 28/10/2022, between 3:00 to 5:00 p.m. and, thereafter as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court and shall not tamper with the evidence.

(SMT. BHARATI DANGRE, J.)