

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

ANTICIPATORY BAIL APPLICATION NO. 3552 OF 2022

Rajkumar Ram Ashare Kharwar	...Applicant
Versus	
State Of Maharashtra And Anr	...Respondents

Mr. Devendra B Shukla for applicant.

Ms. G.P. Mulekar, APP for State.

CORAM: M. S. KARNIK, J

DATED: DECEMBER 21, 2022

PC:-

- 1.** Heard learned counsel for the applicant and learned APP for State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under sections 328, 188, 272 and 273 of the Indian Penal Code, 1860 read with sections 26(2)(i)(iv), 3(1)(zz) (v), 59, 30(2)(A), 27(3)(D)(E) of Foods and Drugs Act, 2006, vide C.R. No. 734 of 2022 registered with the Narpoli Police Station.
- 3.** It is alleged that the applicant is owner of the truck in which large quantity of the gutkha, banned tobacco was found to be transported. The truck was seized on 24/11/2022 at about 13.19 hours near Bhiwandi. The vehicle was driven by Himmatsingh who has since been arrested.
- 4.** As to whether, the section 328 of the IPC will be attracted

in case where the gutkha and banned tobacco product is found, is under consideration before the Hon'ble Supreme Court. The goods have already been seized and there is nothing to be recovered from the applicant. There are no criminal antecedents reported. In such circumstances, the applicant can be granted pre-arrest bail. Hence, the following order.

ORDER

(a) In the event of arrest, the Applicant- Rajkumar Ram Ashare Kharwar shall be released on bail in connection with C.R. No. 734 of 2022 registered with the Narpoli Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) 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 or any Police Officer. The applicant shall not tamper with evidence.

(c) The applicant shall report to the Investigating Officer of the concerned Police Station on 26/12/2022, 27/12/2022 and 28/12/2022 between 10.00 a.m. and 12.00 noon and thereafter, fortnightly i.e. on 1st and 3rd

Monday of every month till filing of the charge-sheet.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

5. The application is disposed of.

(M. S. KARNIK,J.)