

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 803 OF 2023

MANISH HOLARAM RANGLANI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Chaudhari N. L.
APP for Respondent : Ms. R.P. Gour

CORAM : R.M. JOSHI, J.
DATE : 06th June, 2023

PER COURT :

1. The applicant is apprehending arrest in connection with Crime No. 111 of 2023 registered with Upnagar Police Station, Dist. Nandurbar, for the offences punishable under Sections 328, 272, 273 of IPC and Section 26 (2) (I), 27 (3) (e) of Food Safety and Standard Act, 2006.

2. The first information report indicates that on 23.04.2023 secret information was received that Ashok Layland Company's one four wheeler vehicle No. MH 39 AD 1877 containing Gutkha is standing nearby Sundarde Bus Stand. The vehicle was raided and in the said raid various type of Gutkha of Rs. 24,03,120/- and vehicle of Rs. 8,00,000/- was seized. In the investigation it is revealed that, the applicant is the supplier of the contraband. Offecne is registered against the applicant under Section 328 of the Indian Penal Code.

3. Learned counsel for the applicant states that the issue as to whether the offence punishable under Section 328 of IPC would attract to Gutkha is pending before the Hon'ble Apex Court. He further states that the entire recovery is already done, custodial interrogation of the applicant is not necessary.

4. This contention is opposed by the learned APP with the submission that the investigation needs to be done in order to find out the source of the said Gutkha and hence, application be rejected.

5. At this stage it cannot be said that the offence punishable under Section 328 of IPC, would attract in the present case. As far as the recovery is concerned, entire contra band articles are seized during the raid. Nothing is to be recovered from the instance of the applicant. At this stage, except for the alleged statement of the co-accused there is no evidence to connect the applicant with crime. So far as further investigation is concerned, in order to find out the source of said contra band, appropriate direction to the applicant to appear before the Investigation Officer would be sufficient.

6. In the result, application is allowed subject to the following conditions :

ORDER

- i. In the event of arrest of applicant in connection with Crime No. 111 of 2023, registered with Upnagar Police Station, District Nandurbar, for the offences punishable under Sections 328, 272, 273 of IPC and Section 26 (2) (I), 27 (3) (e) of Food Safety and Standard Act, 2006. He shall be released on bail on furnishing PR Bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.
- ii. He shall attend the concerned police station once in a week.
- iii. He shall not contact the witnesses directly or indirectly.
- iv. He shall not interfere with the evidence in any manner whatsoever.
- v. He is further directed to co-operate the investigating agency for further investigation.

[R.M. JOSHI, J.]

SPChauhan