

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

981 ANTICIPATORY BAIL APPLICATION NO.1408 OF 2023

BHASKAR PARASRAM CHANDRATIKE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Mahesh S. Bhosale
APP for Respondent / State : Mrs. G.L. Deshpande

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CORAM : R. M. JOSHI, J.

DATE : SEPTEMBER 14, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.328 of 2023 registered with Khultabad Police Station, Dist. Aurangabad Rural for the offences punishable under Sections 272, 273, 328, 188 of the Indian Penal Code and Sections 59, 26 (2)(i), 26(2)(iv) and 27(3)(e) of the Food Safety and Standards Act, 2006.

2. Learned counsel for applicant states that nothing is to be recovered at instance of applicant as the entire recovery is already done. He further states that issue as to whether offence punishable under Section 328 of the I.P.C. would attract to contraband articles – Gutkha and Pan Masala is pending before the Hon'ble Apex Court.

3. Learned APP has opposed the application contending that huge amount of contraband articles are seized from spot of occurrence. The investigation is required to be done in respect of the source of the said contraband articles – Gutkha and Pan Masala etc. According to him, Section 328 of the IPC gets attracted in the present case and hence prayed to reject application.

4. At this stage it cannot be held that Section 328 of the IPC gets attracted in the present crime. Other offences in the present crime are bailable in nature. So far as further investigation is concerned in order to find out the source of said contraband, issuance of appropriate direction to applicant to appear before the Investigating Officer would be sufficient. Besides, nothing is remained to be recovered in the present crime.

5. Having regard to these facts, following order is passed.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.328 of 2023 registered with Khultabad Police Station, Dist. Aurangabad Rural for the offences

punishable under Sections 272, 273, 328, 188 of the Indian Penal Code and Sections 59, 26 (2)(i), 26(2)(iv) and 27(3)(e) of the Food Safety and Standards Act, 2006, he be released on bail on furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.

- (iii) He shall attend the concerned police station as and when called with written intimation.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE

GGP