

AGK

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

ANTICIPATORY BAIL APPLICATION NO.498 OF 2023

Nagaraj Vyankatramulla Goud	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Ganesh Bhujbal for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 15, 2023

PC.:

- 1.** Apprehending arrest in connection with C.R. No.242 of 2022 registered with Sate Excise, Dound Division, District Pune for offences punishable under Sections 65E, A, 81, 83, 90 and 108 of the Maharashtra Prohibition Act and Sections 2 and 6 of the Maharashtra Poison Act and Section 328 of the Indian Penal Code, 1860, the applicant seeks pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.
- 2.** According to prosecution, poisonous Tadi of 70 liter was seized which was dangerous to public health. The offence was registered based on the possibility that Choral Hydrate (CH) may be contained in the seized substance.
- 3.** The applicant, therefore, filed application under Section 438

of the Criminal Procedure Code, 1973 which has been rejected by the learned Sessions Judge by order dated 6 January 2023. Aggrieved thereby, the applicant has filed present anticipatory bail application.

4. During the course of investigation, it is revealed based on CA report that the seized substance contains 3% Ethyl Alcohol and Chloral Hydrate (CH) which is a poisonous substance is not detected.

5. In this view of the matter, the applicant has made out a case for grant of relief under Section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.242 of 2022 registered with Sate Excise, Dound Division, District Pune for offences punishable under Sections 65E, A, 81, 83, 90 and 108 of the Maharashtra Prohibition Act and Sections 2 and 6 of the Maharashtra Poison Act and Section 328 of the Indian Penal Code, 1860, he be released on bail on furnishing P.R. Bond in the amount of Rs.25,000/- with one or two sureties in the like amount;

b) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required.

6. The anticipatory bail application stands disposed of in above terms. No csots.

(AMIT BORKAR, J.)