

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

ANTICIPATORY BAIL APPLICATION NO. 598 OF 2023

Ramvilas Banarasi Yadav

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.V.V.Tare Patil a/w Mr.Sachin N. Nangare i/b. Mr.Anup Lahoti –
Advocates for Applicant.

Mr.H.J.Dedhia – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 22ND JUNE 2023

P. C. :

1. Heard learned Advocate for Applicant and learned APP
2. The FIR is registered at Pelhar Police Station – District : Palghar on 10th April, 2022. There are two persons named in the FIR. The allegation is that the arrested Accused Atiq Mohamad Hanif Ansari was found with prohibited articles while he was driving the motorcycle. It is costing about Rs.9,475/-. It was revealed that he purchased this article from one Javed Ahmed Jahir Ansari. He also also arrested. It further reveals that these articles were supplied by the present Applicant and that is why, he is shown as wanted

Accused in the remand dated 28th September, 2022 (Page No.32).

3. It is true that Division Bench of this Court in case of ***Anand Ramdhani Chaurasia and Anr. V/s. State of Maharashtra***¹ and Division Bench (Aurangabad Bench) in case of ***Ganesh Pandurang Jadhao and Anr. V/s. The State of Maharashtra***² have held that unless the seized articles are administered, the provisions of Section 328 of IPC cannot be invoked, it is also true that this view is the subject matter before Hon'ble Supreme Court in case of ***The State of Maharashtra and Ors. V/s. Anand Ramdhani Chaurasia and Anr.***³
4. Considering the role alleged against the Applicant, I do not find that his custodial interrogation is required. Already the prohibited article is seized. Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) In case of an arrest in connect with C.R.No. 330 of 2022 registered with Pelhar Police Station – District : Palghar for the offences punishable under Sections 328, 273 of IPC and Sections 26(2), 4 and 30(2)(a) of Food Safety and Standards Act, the Applicant - Ramvilas Banarasi Yadav be released on furnishing personal bond and surety bond of Rs.25,000/-.

1 2019 SCC Online Bom 1857

2 Writ Petition No.1027 of 2015 : 15th October, 2020 : Bombay High Court (Bench at Aurangabad)

3 Special Leave Petition (Criminal) Diary No.8224 of 2020 : 31st August, 2020 : Supreme Court

- (iii) Applicant is directed to give attendance to Pelhar Police Station – District : Palghar on Monday and Thursday from 10.00 to 12.00 noon till filing of chargesheet.
 - (iv) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.
5. Application is disposed of in the aforesaid terms.
6. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]