

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 1247 OF 2023

Sunil Lala Bhandari	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Chetan H. Deshmukh, for Applicant.

Mrs. Ashwini A. Takalkar, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 27th SEPTEMBER, 2023

P.C.:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 47 of 2023, registered with State Excise Department, Nashik, for the offences punishable under Section 328 of Indian Penal Code, 1860 and Sections 82 (1) and 90 of Maharashtra Prohibition Act, 1949.
- 3) The applicant was granted interim protection by an order dated 27th April, 2023.

4) The applicant ran a licensed toddy outlet. On 23rd November, 2022, the Officers of the Excise Department visited the outlet and took samples. The samples were sent for analysis. It was found that the sample contained Chloral Hydrate, a Poisonous substance. Hence, the report.

5) The learned Counsel for the applicant submitted that there was significant delay in sending the sample for analysis and testing also. Moreover, the license has been suspended and the outlet closed.

6) From perusal of the allegations in the FIR and documents on record, prima facie, the applicability of the provisions contained in Section 328 of the Penal Code, warrants adjudication. The applicant ran a licensed outlet. The said license has now been suspended. The outlet has since been closed.

7) In the circumstances, at this stage, the custodial interrogation of the applicant does not seem warranted to facilitate further investigation.

8) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 47 of 2023, registered with

State Excise Department, Nashik, for the offences punishable under Section 328 of Indian Penal Code, 1860 and Sections 82 (1) and 90 of Maharashtra Prohibition Act, 1949, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend State Excise Department, Nashik, on every Saturday in between 10.00 am to 1.00 pm for a period of one month.

III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the witnesses or any of the persons acquainted with the facts of the case.

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]