

DINESH
SADANAND
SHERLA

Digitally
signed by
DINESH
SADANAND
SHERLA
Date:
2023.02.21
12:49:40
+0500

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2137 OF 2021

Vineet G. Jaggi ...Applicant

V/s.

The State of Maharashtra ...Respondent.

Mr. Chetan S. Damre for the Applicant.

Mrs. Veera Shinde , APP for the Respondent/State

CORAM : N.R. BORKAR, J.

DATE : 10.01.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No.476 of 2021 registered at Peth Police Station, Nahik Rural for the offences punishable under Sections 188, 272, 273, 328, 420 read with 34 of the Indian Penal Code (IPC) and Sections 26(2)(i), 27, 30(2)(a), 26(2)(iv), 3(1)(zz) (i)(v), 27(3)(e) of the Food Safety and Standards Act 2006.

3. On the basis of secrete information, on 16 August 2021, the Food Safety Officer has intercepted the truck owned by the present applicant bearing Truck No. MH 16 CC 2842 and it was found to be carrying huge quantity of Guthka packets etc., the prohibited goods.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. The learned counsel for the applicant submits that except offence punishable under Section 328 of IPC, all other offences are bailable. He submits that this Court has held that mere possession, transportation, storage or sale of Gutkha packets would not attract Section 328 of the IPC and the said issue is now pending before the Hon'ble Supreme Court. It is submitted that the applicant has attended the concerned police station pursuant to the order passed by this Court and cooperated in the investigation. It is therefore, submitted that the interim anticipatory bail granted to the applicant by order dated 24 August 2022 may therefore be confirmed .

7. On the other hand, the learned APP appearing for the State submits that considering the nature of offence, the applicant may not be released on anticipatory bail.

8. This Court has held that mere possession or sale of Gutkha products would not attract Section 328 of the IPC and the said issue is still pending before the Hon'ble Supreme Court. All other offences are bailable. There are no other criminal antecedents. Considering the facts and circumstances of the case, the interim anticipatory bail granted to the applicant by order dated 24 August 2022 is hereby confirmed.

9. Anticipatory Bail Application is disposed of.

[N.R.BORKAR, J.]