



Diksha Rane

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

BAIL APPLICATION NO.2972/2023

AJAY ASHOK LODHI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Anuj Tiwari a/w. Adv. Rahil Kazi for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 13, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 328, 272, 273, 188 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 26(2)(i) read with Section 26(2)(iv), 27(3)(d), 3(1)(zz)(iv), 59, of the Food Safety and Standard Act. registered on 8/7/2023 vide C.R. No.150/2023 with Ozhar Police Station, Nashik Rural, Nashik.
- 3.** While on patrolling duty on 8/7/2023, the complainant received confidential information that a tempo was

transporting prohibited food items namely Pan Masala and scented tobacco. The vehicle was stopped near H.A.L. township gate no.3, at 2.30 p.m. It was found that the vehicle was carrying 30 gunny bags containing 570 packets of Pan Masala and scented tobacco in each bag. It was later revealed that the said goods were transported from Indore. The applicant is from Indore. During the course of the raid in the godown, the applicant was found, from where he was arrested.

4. It is the prosecution case that the applicant is the manager of the main accused who owns the godown and these products. Learned APP opposed the application and submitted that huge quantity of banned product was found.

5. The issue whether the contraband would be covered by Section 328 of the IPC is pending before the Hon'ble Supreme Court. The applicant was arrested on 13/7/2023 and now is in custody for almost three months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. I

am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ajay Ashok Lodhi in connection with C.R. No.150/2023 registered with Ozhar Police Station, Nashik Rural, Nashik shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Ozhar Police Station, Nashik Rural, Nashik, once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)