



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1555 OF 2023

Vikas Shatrughan Patil

... Applicant

VERSUS

The State of Maharashtra

... Respondent

.....

Mr. T.A. Quadri, Advocate for Applicant

Ms. P.V. Diggikar, APP for Respondent - State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 01st APRIL, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No.273 of 20243 registered with Renapur Police Station, District-Latur, for offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and Section 59 of the Food Safety and Standards Act, 2006.

2. FIR is lodged by Vitthal Satavaji Londhe, Food Safety Officer, Latur, stating that Police Inspector of Renapur Police Station, by communication dated 22.08.2023, informed that he and his squad found that applicant was selling *Pan Masala* and scented tobacco in his shop in name and style as M/s Patil Traders at Renapur, and they have seized said contraband articles and kept it at Nilanga Police Station.

Informant was requested to take further action in that regard, therefore, informant on 23.08.2023 visited Renapur Police Station and inspected said contraband articles worth Rs.55,510/- in presence of panch witness. Informant also prepared inspection report and memorandum of panchanama.

3. Heard learned advocate for applicant and learned APP for respondent-State. Perused the investigation papers.

4. Except Section 328 all other sections are bailable. There appears substance in the contention of applicant that Section 328 is not attracted in present case and the said issue is already pending before the Apex Court.

5. Pendency of issue of applicability of Section 328 before Apex Court is not disputed by learned APP. Learned APP tried to place reliance on the decision of this Court in ***Nagesh Rajshekhar Mense Vs. State of Maharashtra***, reported in **2023 (1) Bom.C.R.(Cri.) 572**.

6. Learned advocate for applicant pointed out that common order passed by learned Single Judge in the above matter is challenged in the Apex Court and the Apex Court in the meantime has granted interim protection in favour of

accused therein. In this view of the matter, applicant has made out case for grant of relief of anticipatory bail.

7. In the result, application is allowed by confirming interim protection granted to applicant by order dated 16.10.2023.

8. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence. Applicant shall not indulge in similar offences.

[NITIN B. SURYAWANSHI]
JUDGE