

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

ANTICIPATORY BAIL APPLICATION NO. 270 OF 2023

Dinesh Balu Jagtap

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Mahendra N. Sandhyanshiv for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 30 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.353 of 2022, registered at Jaykheda Police Station, Nashik Rural, on 14.12.2022, under section 328, 272, 273, 179 and 188 r/w. 34 of the Indian Penal Code and under sections 26(2)(i), 26(2)(iv), 3(1)(zz)(iv) and 59 of the Food Safety and Standards Act, 2006 (hereinafter referred to as 'FSS Act').

2. Heard Mr. Mahendra Sandhyanshiv, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. is lodged by one Gopal Kasar, the Food Safety Officer, at Nashik. He has stated that the Notification U/s.30 of the FSS Act was in force and the food articles like gutka, pan masala, scented tobacco etc. were banned from sale, supply, storage in Maharashtra. On 13.12.2022, the police officers called him to Jaykheda police station and told him that a pickup vehicle bearing No.MH02/YA-6781 was intercepted. The first informant and the police officers searched that vehicle and found pan masala and tobacco worth Rs.18,83,000/-, which were the banned food articles. The articles were seized and the F.I.R. was lodged. The F.I.R. itself mentions that the driver Dilip Jagtap informed the police officers and the first informant that the said banned articles were owned by the present applicant.

4. Learned counsel for the applicant submitted that the applicant is not connected with the offence. Section 328 of the I.P.C. is not made out. The applicant deserves protection of anticipatory bail order.

5. Learned APP opposed these submissions. She relied on

the order passed by this court on 30.01.2024 in A.B.A.No.207 of 2024.

6. I have considered these submissions. The applicability of Section 328 of the I.P.C. and necessity of custodial interrogation in such cases are dealt with in detail in the order dated 30.01.2024 passed in A.B.A.No.207 of 2024. The said observations in that order are squarely applicable to the facts of the present case. The offence is serious. The applicant's custodial interrogation is necessary. Considering all these aspects, the applicant cannot be protected.

7. The application is rejected.

(SARANG V. KOTWAL, J.)