

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

CR. ANTICIPATORY BAIL APPLICATION NO. 335 OF 2024

Lankesh Gopinath Shelke ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. Raviraj Paramane a/w. Adv. Subham Singh for the Applicant.
Smt. M. H. Mhatre, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J

DATED : 6th FEBRUARY, 2024

P.C.:

1. The Applicant is seeking anticipatory bail in connection with C. R. No. 522 of 2023 registered at Chandwad Police Station, dated 24/12/2023 u/s. 188, 272, 273 & 328 of the Indian Penal Code.
2. Heard Mr. Paramane, learned counsel for the Applicant and Smt. Mhatre, learned APP for the Respondent-State.
3. The FIR is lodged by police constable Chetan Bagal attached to Chandwad police station. He stated that on 23/12/2023 the police received information that the Applicant had stored banned food articles for sale in his house. The police officer went to his house and carried out the search. The Applicant ran away from the house and escaped. On the search, the police officer found three small packets of pan masala, two packets of another brand of pan

masala, small packet of tobacco. The goods were worth Rs.1,729/-. On this basis, the FIR is lodged.

4. Learned Counsel for the Applicant submitted that he is not canvassing any submissions about the applicability of section 328 of IPC and other offences under IPC. His only contention is that the food articles were not stored for sale but they were only for the personal consumption. He submitted that since the Applicant was addicted to tobacco, he had procured the same from the outside state. He should be treated with sympathy. He was not spreading those articles in the society.

5. Learned APP left the matter to be decided at the discretion of the Court.

6. I have considered these submissions.

7. From the FIR it is clear that, only small quantities of banned food articles were found in the Applicant's house. There is force in the submission of learned Counsel for the Applicant that those articles were for the personal consumption of the Applicant. As submitted by the learned Counsel for the Applicant, the Applicant may be addicted to these food articles but he was not spreading those food articles in the society. Therefore, to that extent, I am inclined to show leniency to the Applicant. He can be protected by

an order under section 438 of Cr.P.C.

8. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with with C. R. No. 522 pf 2023 registered at Chandwad Police Station, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)