

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

ANTICIPATORY BAIL APPLICATION NO. 1357 OF 2023

Sadam alias Syed Dastageer Syed Gudusab Mulla ..Applicant
Versus
State of Maharashtra ..Respondent

Mr. Nitin Gaware Patil 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.50 of 2023, registered at Lonavale Police Station, Pune Rural, on 06.02.2023, under sections 109, 188, 272, 273 and 328 r/w. 34 of the Indian Penal Code and under sections 26(2)(a), 26(2)(iv) and 30(2)(a) of the Food Safety and Standards Act, 2006 (hereinafter referred to as 'FSS Act').
2. Heard Mr. Nitin Gaware Patil, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. is lodged by Rahul Khandagale, the Food Safety Officer. He has stated that, he was called to Lonavale Rural police station on 06.02.2023 at 11.00a.m. He was informed that the police officers had intercepted a truck on Pune Mumbai Express way. The truck was driven by Mohammad Khalil Jaman Ahmad Shaikh. The search was conducted. It contained 34 bags containing banned articles like Gutka. The articles were worth Rs.10,67,040/-. The applicant was owner of that truck. Those articles were banned vide the order dated 20.07.2022 issued by the Notification under the FSS Act. On this basis, the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant has no connection with the alleged offence. He was not present at the time of conducting the search. He is falsely implicated. Section 328 of the I.P.C. is not applicable. The applicant deserves protection of anticipatory bail order.

5. Learned APP opposed these submissions. Learned APP submitted that, there is similar F.I.R. registered at Talbid police

station, Satara, on 21.02.2023 vide C.R.No.39 of 2023 under the similar sections. In that case, the prohibited articles were worth Rs.83,09,296/-. She submitted that the offence is serious. The applicant's custodial interrogation is necessary. She relied on the order passed by this court on 30.01.2024 in A.B.A.No.207 of 2024. Considering all these aspects, she submitted that the observations in that order are squarely applicable to the facts of the present case.

6. Considering these submissions, I am of the opinion that the facts of the present case are squarely covered by the aforesaid order passed in A.B.A.No.207 of 2024. The applicant was owner of the truck which was used for transporting the banned articles. The applicant is involved in the similar offence. He has committed this offence repeatedly. 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.)