



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1670 OF 2024**

Prashant Dhanpal Gandhi

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Prashant Subhash Hagare for Applicant.

Mr. Tanveer Khan, APP for State.

API Nagnath G. Patil, Supa Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 9 MAY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who is arraigned in C.R.No.110 of 2024 registered with Supa Police Station for the offences punishable under Section 328 and 188 of the Indian Penal Code and Sections 27(2)(i), 3(1)(zz)(iv), 59, 26(2)(iv), 27(3)(d) and 27(3)(e) of the Food Safety and Standards Act, 2006, has preferred this application to enlarge him on bail.
3. On 24 March 2024, pursuant to an intimation a raid was conducted at the house of the applicant at Baramati. The applicant took the police party to his farm house at Udwandi, Supe, where contraband article – Gutkha was found kept in a number of bags. Gutkha worth Rs.30,98,820/- was seized and the applicant was apprehended.
4. Learned Counsel for the Applicant submitted that the applicability of the

provisions contained in Section 328 of IPC is debatable. Investigation is practically complete. Therefore, the applicant be released on bail.

5. Learned APP resisted the prayer for bail. It is submitted that the Applicant has been habitually indulging in procurement, transportation and sell of gutkha and a number of crimes have been registered against the applicant. Hence, the applicant does not deserve to be enlarged on bail.

6. The question as to whether in the circumstances of the present nature, an offence punishable under Section 328 of IPC can be said to have been made out, is awaiting the decision of the Supreme Court. The entire contraband is seized. The applicant has been in custody since 24 March 2024. Investigation seems to be at an advanced stage. Further detention of the applicant does not seem warranted.

7. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Prashant Dhanpal Gandhi be released on bail in C.R.No.110 of 2024 registered with Supa Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before Supa Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three years or

till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. 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.

(v) 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.

(vi) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)