

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

ANTICIPATORY BAIL APPLICATION NO. 1442 OF 2024

Rajiv Kishan Kumar Bhatia	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Amit Icham, Advocate for Applicant.

Mr. B. B. Kulkarni, APP for the Respondent – State.

Mr. P. C. Pawar, API, Present.

CORAM : M.W. CHANDWANI, J.
DATE : 24th MAY, 2024.
(VACATION COURT)

P.C.:

- 1) Heard the learned Counsel for the Applicant as well as the learned APP for State.
- 2) On 27th February, 2024, police officials of Crime Branch, Thane seized Gutka, scented tobacco worth of Rs.49,99,500/- from two Tempos. Drivers of the vehicle were arrested and CR No. 112 of 2024 came to be registered with Bhiwandi Taluka Police Station for the offences punishable under Sections 328, 188, 272, 273 read with Section 34 of the Indian Penal Code, 1860 and Sections 26(2)(ii), 3(1)(zz)(iv), 27(1) and 30(2)(a)

of the Food Safety and Standard Act, 2006.

- 3) The allegations against the present applicant is that he is the supplier of the said contraband. He used to supply contraband at Madhya Pradesh. Since contraband Gutka is already seized which is crucial part of investigation. Issue of applicability of Section 328 of IPC, in these types of cases is pending before the Supreme Court.
- 4) Considering the submission and nature of allegation, a case is made out for interim protection.
- 5) Pending the application, in the event of arrest, the applicant shall be released on bail on furnishing PR bond of Rs.50,000/- with one solvent surety in the like amount.
- 6) The applicant shall attend the concerned police station as and when directed and co-operate in the investigation.
- 7) Stand over to 28th May, 2024.

(M.W. CHANDWANI, J.)