

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

ANTICIPATORY BAIL APPLICATION NO. 1320 OF 2025

Amit Gulshan Arora

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Ashley Cusher, Advocate for the Applicant.

Ms. R. D. Humane, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 13.10.2025.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 277 of 2023 registered at Manor Police Station, Dist-Palghar for the offences punishable under Sections 328, 272, 273 & 188 read with 34 of the Indian Penal Code and Sections 3(1)(z)(z)(i), 26(2)(i) (4), 27(1), 30(2)(a) & 59 of the Food Safety and Standards Act.
3. It is the case of the prosecution that on 09.09.2023, the informant, who is Food and Drug Inspector, received secret information that Ashok Leyland vehicle bearing No. MH-55-AB-

5033 is standing on the Mumbai-Ahmadabad Highway containing prohibited Tobacco products. Informant along with his team went to the said location. On search of the said vehicle, Pan masala, Jafrani Jarda, Gutka and other Tobacco products total worth of Rs.94,16,160/- were found.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that there are no other criminal antecedents against the present applicant. It is further submitted that the investigation is over and the prosecution has filed charge-sheet against the co-accused.

6. On the other hand, the learned APP for the respondent-State submits that the applicant is the owner of the truck in question. It is submitted that considering the nature of crime the applicant may not be released on anticipatory bail.

7. The issue of applicability of Section 328 of the Indian

Penal Code in such cases is still pending before the Hon'ble Supreme Court. The prosecution has already filed the charge-sheet against the co-accused. There are no other criminal antecedents against the present applicant. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicant in connection with Crime No. 277 of 2023 registered at Manor Police Station, Dist-Palghar for the offences punishable under Sections 328, 272, 273 & 188 read with 34 of the Indian Penal Code and Sections 3(1)(z)(z)(i), 26(2)(i)(4), 27(1), 30(2)(a) & 59 of the Food Safety and Standards Act, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

c) The applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.

[N.R.BORKAR, J.]