

# Viren @ Virendra Buddhasen Gupta vs The State Of Maharashtra on 23 September, 2021

**Author: Sarang V. Kotwal**

**Bench: Sarang V. Kotwal**

P.H. Jayani

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1581 OF 2021

Mr. Viren @ Virendra Buddhasen Gupta	.... Applicant
v/s.	
The State of Maharashtra	.... Respondent

Mr. Avinash B. Patil for the Applicant.  
Ms. Veera Shinde, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 23rd SEPTEMBER, 2021.

P. C. :-

. The Applicant is seeking Anticipatory Bail in connection with C.R.No.93/2021 dated 22/04/2021 with Khalapur Police Station, Raigad under sections 328, 272, 273 of the Indian Penal Code and section 59 of Food and Safety Standard Act, 2006.

2. Heard Mr. Avinash B. Patil, learned counsel for the Applicant and Ms. Veera Shinde, learned APP for the State.

3. The First Information Report (for short 'the FIR') is lodged by Police Constable - Sachin Kakade. He has stated that the police received the secret information on that date that one Maahi Kirana P.H. Jayani 14 ABA1581.2021.doc Store was storing gutkha and pan masala. The police party along with 02 panchas went to the scene of the offence. The said store and the godown behind the shop were raided. One Naresh Patil who was the owner of the shop was found there. The search of the premises showed that there were gunny bags containing 2301 pan masala packets worth Rs.4,30,287/- ; 1865 packets of tobacco worth Rs.61,545 and 157 packets of pan masala worth Rs.25,905/-. The goods were seized. Total value of goods was Rs.5,17,737/-. These goods were prohibited goods under order issued under the Food Safety and Standards Act (FSSA) Act, 2006. On

this basis, the FIR is lodged.

4. Mr. Avinash B. Patil, learned counsel for the Applicant submitted that the Applicant is not connected with the offence. He cannot be said to have committed the offence. He submitted that he was not instrumental in administering the drugs as contemplated under Section 328 of the Indian Penal Code.

5. Ms. Veera Shinde, learned APP relied upon the police report showing allegations against the present Applicant. The report is taken on record and marked as 'X' for identification. The prosecution case is that in further investigation, it was revealed that the goods were P.H. Jayani 14 ABA1581.2021.doc supplied by the present Applicant. He procured the same from Gujarat and had given them to the accused - Naresh Patil who was found on the spot of the incident. Learned APP relied upon the orders passed in Anticipatory Bail Application No.313/2021 passed by this Court in this connection.

6. I have considered these submissions. The offence is serious in nature. The prohibited goods were procured and supplied by the present Applicant from Gujarat. It is only because of this supply, the accused - Naresh Patil was having them in his shop. This Court in earlier orders has taken into consideration the interpretation of Section 328 in such cases. The offence is committed by all the accused in connection with each other. The goods were worth about Rs.5,17,737/-. This offence is against the society and therefore custodial interrogation is necessary to find out the modus operandi and other criminal activities of the Applicant. Their custodial interrogation is necessary. No case is made out for grant of Anticipatory Bail. Hence, the Application is rejected.

PREETI  
H JAYANI

(SARANG V. KOTWAL, J.)