

Sanjay Tulshiram Zade vs The State Of Maharashtra on 16 February, 2024

Author: Sarang V. Kotwal

Bench: Sarang V. Kotwal

2024:BHC-AS:8334

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 456 OF 2024

Sanjay Tulshiram Zade

.... Appli

Versus

YUGANDHARA
SHARAD
PATIL

The State of Maharashtra

.... Respon

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YUGANDHARA
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Mr. Chetan S. Damre, for the applicant.
Mr. Balraj B. Kulkarni, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 16th FEBRUARY, 2024 P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 58 of 2024 registered at Nashik City Police Station on 29/01/2024 under sections 179, 188, 272, 273, 328 of the Indian Penal Code and under section 59 and 63 of Food Safety and Standard Act, 2006.

2. Heard Mr. Damre, learned counsel for the applicant and Mr. Kulkarni, learned

APP for the State.

3. The FIR is lodged by one Gopal Vijay Kasar who was y.s.patil 1 of 4 4-ABA-456-2024.odt Food Safety Officer working in Nashik. On 29/01/2024, he received an information and accordingly, he along with panchas and other officers went to the spot which was to be searched. It was a tin shed in front of the house of the present applicant. The applicant was not in the house. However, his wife was present.

She admitted that the tin shed belonged to the present applicant. He was keeping the goods in that godown. The applicant was not available. The informant contacted officers of Nashik Road Police Station. All of them searched that godown and it was found that the prohibited goods like scented tobacco, pan masala etc. were stored in that godown. Commissioner under the Food Safety Standard Act had issued a notification prohibiting sale and possession of those tobacco products and goods. Goods worth Rs. 2,56,265/- were found in that godown. Those goods were seized, the samples were drawn and The FIR was lodged.

4. Learned counsel for the applicant submitted that the applicant is willing to co-operate with the investigation. He has not committed any offence. The offence under Section 328 of the y.s.patil 2 of 4 4-ABA-456-2024.odt I.P.C. is not made out.

2. Learned APP has produced 7/12 extract of the place from where the goods were recovered. The extract shows that the present applicant was the owner of that land. The Applicant's wife's statement is recorded. She has stated that the godown was owned by the applicant from where goods were found.

3. I have considered these submissions. In such cases applicability of various non bailable offences was an issue which was considered by this Court in the order dated 30/01/2024 passed in ABA No. 207 of 2024 in the case of Mohammed Sadiq Adam Shaikh Vs. State of Maharashtra. The offences are serious and non bailable. Strong action needs to be taken against the offenders. In this case, goods worth Rs. 2,56,265/- were seized. There is strong evidence that the goods and the godown were owned by the present applicant. Considering the gravity of the offence, the custodial interrogation of the applicant is necessary. It is necessary to discover the entire chain of the supply, storage and y.s.patil 3 of 4 4-ABA-456-2024.odt sale of these products. Considering all these aspects, the applicant cannot be protected under section 438 of Cr. P.C. The application is rejected.

(SARANG V. KOTWAL, J.)

y.s.patil

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