

Ganesh Bhivsen Zende vs The State Of Maharashtra on 15 September, 2022

Author: S.G. Mehare

Bench: S.G. Mehare

908-aba-1239-2022.odt

(1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1239 OF 2022

GANESH BHIVSEN ZENDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondent/State : Mr. K.S. Patil

...
CORAM : S.G. MEHARE, J.

DATED : 15th SEPTEMBER, 2022

PER COURT:-

1. Issue notice to the respondent-State, returnable on 22.09.2022. Learned APP waives service of notice for the State.
2. The applicant has been booked for the offence punishable under Section 328, 273, 188 of the Indian Penal Code r/w Section 59 of the Food Safety and Standards Act, 2006. It has been alleged against the applicant that he was selling the Gutka and Pan Masala unauthorizedly though it was prohibited in the State of Maharashtra. The police have seized the Gutka worth Rs. 1024/-.
3. Learned counsel for the applicant would submit that Section 328 of the Indian Penal Code would not attract. The issue is seized with the Hon'ble Supreme Court and the Hon'ble Supreme

Court granted interim protection to the applicants approached to it.

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4. Perused the FIR. Except the allegations of selling Gutka in a hotel, nothing is there against the applicant. The said Gutka has been seized by the police in a small quantity. The issue of applicability of Section 328 of the Indian Penal Code is seized with the Hon'ble Supreme Court and interim protection has been granted to the persons approached to it. The applicant has a good case for interim protection. Hence, the following order :

ORDER

(A) In the event of arrest, the applicant, Ganesh Bhivsen Zende, be released on interim bail till the next date, on executing P.B. and S.B. of Rs.15,000/- (Fifteen Thousand) with one solvent surety in the like amount in Crime No.305 of 2022 registered with Belwandi Police Station, District Ahmednagar for the offence punishable under Sections 328, 273, 188 of the Indian Penal Code r/w Section 59 of the Food Safety and Standards Act, 2006.

(S.G. MEHARE, J.) Mujaheed//