

# Rambilash Banarsasi Yadav vs The State Of Maharashtra on 8 February, 2023

**Author: M. S. Karnik**

**Bench: M. S. Karnik**

Diksha Rane

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

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signed by  
DIKSHA

ANTICIPATORY BAIL APPLICATION NO.177/2023

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RAMBILASH BANARSASI YADAV

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Priyal Sarda i/b. Adv. Anup Lahoti for the applicant.

Ms. A. A. Takalkar, APP for State.

PSI M. S. Bhoi, Pelhar Police Station.

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CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 8, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP.

2. This is an application for pre-arrest bail in respect of First Information Report (FIR) No.837/2022 registered with the Pelhar Police Station, Nallasopara, Vasai, District-Thane under Sections 328 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) read with Sections 26(2), 4, 30(2)(a) of the Food Safety and Standards Act, 2006.

3. The contraband 'gutkha' and 'paan-masala' was seized from the co-accused nos.1 and 2. The co-accused no.3 was Diksha Rane 902. aba 177-23.doc to purchase the same from the co-accused nos.1 and 2 and supplied to the present applicant for further sale in Maharashtra. The present

applicant has been named by the accused no.3 as the one who was supposed to purchase 'gutkha' and 'paan-masala' worth Rs.73,41,600/-. The 'gutkha' and 'paan-masala' has been seized.

4. My attention is invited to the order dated February 6,2023 passed by the Hon'ble Supreme Court in the case of Parvez Ansari & anr. vs. The State of Maharashtra 1. I am informed that the issue as regards the interpretation of Section 328 of the IPC is pending before the Hon'ble Supreme Court.

5. Learned APP submitted that there are twenty-three criminal antecedents of the similar nature reported against the applicant where the applicant is a wanted accused.

6. The applicant to co-operate with the investigation. Let the applicant to report to the investigating officer on 11 th and 12th February, 2023, between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called.

1 Petition(s) for Spl. Leave to Appeal (Crl.) No (s).1221/2023. Diksha Rane 902. aba 177-23.doc

7. No coercive steps be taken against the applicant till next date in respect of the present C.R.

8. Stand over to February 21, 2023.

(M. S. KARNIK, J.)