

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3691 OF 2015

Ashish Arun Adep

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. Vivek Bhavthankar, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 29th JULY, 2015

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PER COURT :

1. Applicant is seeking his enlargement on bail since he is arrested in connection with Crime No. 174/2015 registered with Tofkhana police station, District Ahmednagar for the offences punishable u/s 188,272,273,328 of the Indian Penal Code and u/s 26 (2) 1, 26 (2), (4), 27 (3) (1), 27 (D) (E) read with Sec. 30 (2) (A) and its contravention u/s 59 (3) of the Food and Safety and Standard Act.

2. Heard Mr. Vivek Bhavthankar, learned counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Food Inspector. Accordingly, he went to the police station since he received telephonic call from Mr. Bhosale that the present applicant was having 1230 packets of Shivani scented Tobacco. According to F.I.R., the same was in possession of the present applicant in contravention to the Notification which is in operation in the State of Maharashtra.

4. Present applicant is arrested on 23/06/2015. Applicant was in police custody remand till 26/06/2015 and since then he is in magisterial custody remand.

5. Entire contraband material is already seized. Investigation is over. Only formality of filing of charge sheet remain to be done. In that view of the matter, custodial presence of the present applicant is not necessary. That leads me to pass the following order.

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Ashish Arun Adep be released on bail in connection with Crime No. 174/2015 registered with Tofkhana police station, District Ahmednagar for the offences punishable u/s 188,272,273,328 of the Indian Penal Code and u/s 26 (2) 1, 26 (2), (4), 27 (3) (1), 27 (D), (E) read with Sec. 30 (2) (A) and its contravention u/s 59

(3) of the Food and Safety and Standard Act on he executing P.R. Bond of Rs.15,000/-[Rupees Fifteen Thousand] with one solvent surety of like amount. Bail before the trial court.

- (iii) Present applicant shall not repeat similar offence and shall not interfere with the prosecution case.
- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]