

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

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CRI.ANTICIPATORY BAIL APPLICATION NO.135 OF 2015

Zafar Ahmed Ali Hammad Sheikh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.Momin Mohd. Farooque Nisar, Advocate for the Applicant.
Mrs.P.P. Shinde, A.P.P. for Respondent – State.

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CORAM : REVATI MOHITE DERE, J.

DATED : FEBRUARY 18, 2015.

P.C. :

Heard learned counsel for the Applicant and learned
A.P.P.for the Respondent – State of Maharashtra.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R.No.I-22 of 2015, registered with the Shantinagar Police Station, Bhiwandi, District Thane, for the alleged offences punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code (IPC) and Sections 2, 3 and 4 of the Prohibition and Restriction on sale Act, 2011 and Sections 27(3)(9), 3(1)(zz)(V), 30(2)(9) of Foods Safety and Standard Act, 2011 and Government G.R. Dated 15th July, 2014.

3 The First Information Report (FIR) was lodged by one Santosh Siroasia, the Food Safety Officer. It appears from the prosecution case, that the Food Safety Officer had conducted a raid, pursuant to the secret information which was received, by him. In the said raid contraband of Rs.72,200/- was seized.

4 According to the learned counsel for the applicant except Section 328 of the Indian Penal Code, all the other sections are bailable. According to him, in the facts of the present case, no material was found, which indicated that the products were being manufactured at the said premises. He submitted that the banned articles which was seized, were found to be in a packed condition. The application of Section 328 of the IPC, in the facts of the present case, is debatable. Apart from Section 328 of the IPC, rest of the sections which are alleged are bailable.

5 Considering the material on record, as against the applicant, the applicant deserves to be granted pre-arrest bail, on the following terms and conditions:

:: ORDER ::

- (i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of

Rs.25,000/- (Rupees Twenty Five Thousand), with one or two solvent sureties in the like amount;

(ii) The Applicant shall not tamper or attempt to influence the complainant or any other persons concerned with the case.

(iii) The applicant shall provide his permanent address and mobile number to the investigating officer where he intends to reside and if there is any change in address or contact number, the applicant shall inform the office of the Shantinagar Police Station, Bhiwandi, Thane.

6 The Application is allowed and disposed of in the above terms.

7 Parties to act on an authenticated copy of this order.

(REVATI MOHITE DERE, J.)