

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1566 OF 2021

Akhtar Beg Ayyub Beg .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr. Shailesh Chavan i/b Mr. Milind Deshmukh for the Applicant.

Mr. S. S. Pednekar, APP for the State.

PSI Amit Sid-Patil attached to Local Branch, Solapur present.

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CORAM: BHARATI DANGRE, J.

DATED : 26th AUGUST, 2021

P.C:-

1. The applicant is admitted to the interim protection by order dated 15/07/2021 in C.R.No.626 of 2021 registered with Sangola Police Station, which invoke Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code (for short, “IPC”) and Section 59 of the Food Safety and Standards Act, 2006. Recording that the details of the goods i.e. its origin and destination is already disclosed by the driver, who has been released on bail and considering that at this stage, no custodial interrogation is warranted, the applicant was directed to be released on interim bail.

2. On the last date of hearing, learned APP has pointed out that there are four CRs registered against the present applicant, which indicated his involvement in the prohibited

substance. The CRs are of recent time which indicate that the applicant is involved constantly in the said activity of bringing the prohibited substance in the State of Maharashtra, as per the direction of the Commissioner of Food Safety vide the relevant notifications issued and he is habituated of selling the said material in the State of Maharashtra.

3. Today, the learned APP has also placed on record the details of four CRs against the present applicant, which are as under :-

- 1) FIR No.139 of 2020 registered with Phulambri Police Station, Aurangabad Gramin for the offences punishable under Sections 188, 273 read with 34 of IPC and Section 59 of the Food Safety and Standards Act, 2006;
- 2) FIR No.247 of 2019 registered with Phulambri Police Station, Aurangabad Gramin for the offences punishable under Sections 272, 273 of IPC and Section 59 of the Food Safety and Standards Act, 2006;
- 3) FIR No.223 of 2020 registered with Daulatabad Police Station, District Aurangabad for the offences punishable under Sections 307, 353, 328, 188, 273, 279, 427, 109, 114, 120-B read with Section 34 of IPC and Section 59 of the Food Safety and Standards Act, 2006;
- 4) FIR No.164 of 2020 registered with Bhokardan Police Station, District Jalna for the offences punishable under Sections 143, 147, 149, 323, 504, 506 of IPC.

Learned APP has also placed on record a charge-sheet filed in C.R.No.223 of 2020 where the applicant is charged with bringing the prohibited substance from Karnataka in the State of Maharashtra and indulging into a conspiracy with the other accused persons in selling the said prohibited substance.

4. On noting that one offence is of the year 2019 and three other offences registered in District Aurangabad and Jalna pertain to the 2020, reveal the continuous activity of the applicant in bringing the prohibited substance in the State of Maharashtra and further dealing in the same. When there is a prohibition on substance of either being sold, purchased, transported or consumed, the applicant's custody is necessary for further investigation as to on how many occasions, he had brought the substance in the State in contravention of the notification of the State. The accusations need to be viewed seriously as on previous four occasions, the applicant has indulged in the similar activity.

In such circumstances, the interim protection in favour of the applicant, granted on 15/07/2021, stands vacated and application stands rejected.

(SMT. BHARATI DANGRE, J.)