

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

928 BAIL APPLICATION NO.348 OF 2022

(1) Balasaheb Lahurao Jadhav ...Applicant
(2) Tayyab Shaikh Noor Bagwan

Versus

The State of Maharashtra ...Respondent

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Advocate for Applicant : Shri Sudarshan J. Salunke
APP for Respondent – State : Shri S. B. Narwade

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CORAM : M. G. SEWLIKAR, J.

DATE : 30th MARCH, 2022

PER COURT :-

. Heard.

2. First Information Report is filed by Assistant Police Inspector indicating that banned ghutka was being transported in Pick-up Van bearing No. MH-23-5522. It was intercepted. On inspecting the Pick up Van, banned Ghutka ‘Hira Pan Masala’, ‘Hira Jafrani Jarda’, ‘Karamchand Pan Masala’, Rajnigandha Pan Masala and other packets packed in gunny bags were found loaded in the Pick-up Van. On these allegations, FIR came to be registered against applicants.

3. Shri Salunke, learned counsel for the applicants submits

that entire investigation is almost completed. Only the formality of presenting charge-sheet seems to have been left. Applicant No. 1 has no criminal antecedents. Nothing is to be recovered from any of them. They may, therefore, be released on bail.

4. Learned APP Shri Narwade for the respondent - State submits that investigation is going on. Applicant No. 2 has one case registered against him. Therefore, he may not be released on bail. He submits that since investigation is incomplete none of them be released on bail.

5. When this Court expressed disinclination to grant bail to applicant No.2, learned counsel Shri Salunke sought permission to withdraw the application to the extent of applicant No.2 with liberty to apply to the concerned Court after filing of the charge-sheet.

6. So far as applicant No. 1 is concerned, this is his first offence. He does not have criminal antecedents. There is nothing on record to indicate that he will not be available for trial. Entire Ghutka packets are recovered from both the applicants. Therefore, nothing is to be recovered from him. In this view of the matter, liberty of applicant No.1 cannot be curtailed for an indefinite period. I am, therefore, inclined to release applicant No.1 on bail. Hence, the order :-

O R D E R

- (i) Application is allowed.
- (ii) The applicant No.1 be released on P.R. Bond of Rs. 20,000/- (Rupees Twenty Thousand only) with one solvent surety in the like amount in connection with C.R. No.53/2022, offence under Sections 188, 272, 273, 328 of the Indian Penal Code registered with Georai Police Station, District Beed and on condition that he shall not leave the jurisdiction of the concerned Police Station and shall report to the Police Station on every Wednesday between 10.00 a.m. and 4 p.m. till the filing of the charge-sheet.
- (iii) He shall not indulge in similar activities again.
- (iv) Application to the extent of applicant No. 2 stands disposed of as withdrawn with liberty as prayed.
- (v) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]

shp/-