

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

ANTICIPATORY BAIL APPLICATION NO.574 OF 2022

Ayyaz Gaffar Popatiya

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...

Mr. Pravin S. Dighe, Advocate for the applicant.

Mr. V.M. Kagne, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : 22nd JUNE, 2022.

PER COURT:-

1. Heard learned counsel for the applicant.
2. The FIR reveals that the police found the Gutka in the vehicle owned by the present applicant. The driver and the person sitting in the vehicle in which the Gutka was carried were immediately apprehended. There is nothing against the owner of the said vehicle. The applicant has a case in hand that he had no knowledge of carrying Gutka in his vehicle. The goods were loaded from Pune. At that time, the driver of the applicant possessed the vehicle, but he did not intimate about the loaded goods which were allegedly owned by accused no.2. He has no concern with the goods and alleged illegal transport of Gutka. Since there was a Covid-19 pandemic, the police were not behind the applicant. His previous two anticipatory bail applications have been rejected by the Sessions

Court. Hence, he approached this Court since that around two years have been lapsed, and the applicant has no role to play in the alleged offence.

3. Learned APP would submit that the apprehended accused does not co-operate with the investigation in not disclosing the name of the supplier of the Gutka. Therefore, the applicant has some connection with the crime and may not be released on bail.

4. Having regard to the contents of the FIR and the defence of the applicant, this appears a fit case to grant anticipatory bail to the applicant. Hence, the following order :

ORDER

(A) The Application is allowed.

(B) In the event of arrest, the applicant, Ayyaz Gaffar Popatiya, in connection with Crime No.56/2019, registered with Gevrai Police Station, District Beed for offences punishable under Sections 328, 188, 272 and 273 of the Indian Penal Code and under Section 26(2), 27, 30(2) of the Food and Safety Standards At, 2006, be released on bail on executing P.B. and S.B. of Rs.20,000/- (Twenty Thousand) with one solvent surety in the like amount, on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(3)

(C) Hamdast allowed.

(S.G. MEHARE, J.)

Mujaheed//