

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

BAIL APPLICATION NO.1468 OF 2022

Niyaju Bhabbal Khan

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.S.V.Suryawanshi, Advocate for applicant
Mr.N.T.Bhagat, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 20, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.317 of 2022 registered with Chalisgaon City Police Station, Tq. Chalisgaon, Dist.Jalgaon, for the offences punishable under Sections 188, 272, 273 and 328 of Indian Penal Code and Sections 26(2)(iv) and 59 of the Food Safety and Standards Act, 2006.

2. Heard learned counsel appearing for the parties.

3. The applicant was a Driver of the vehicle carrying *Pan Masala/Gutkha*. This Court is of the view that Section 328 of Indian Penal Code may not be applicable in the facts and circumstances of the

case. Rest of the offences are bailable one. In view thereof, the present applicant deserves to be granted bail.

4. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.317 of 2022 registered with Chalisgaon City Police Station, Tq. Chalisgaon, Dist.Jalgaon, for the offences punishable under Sections 188, 272, 273 and 328 of Indian Penal Code and Sections 26(2)(iv) and 59 of the Food Safety and Standards Act, 2006, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

[R.G. AVACHAT, J.]

KBP