

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1424 OF 2022

Mohammad Salman Mohammad Rafiq Applicant

Versus

The State of Maharashtra
and another Respondents

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Mr. Chaitanya C. Deshpande, Advocate for the Applicant
Mr. V.S. Badakh, APP for Respondents – State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 0238 of 2022 registered with Mohadi Police Station, District Dhule for the offence punishable under sections 188, 272, 273, 328 read with 34 of the Indian Penal Code and sections 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a), 59(ii) of Food Safety and Standards Act.

2. It is alleged in the FIR that prohibited articles *Pan Masala* and *Jarda* were found in the truck bearing No. MH 48/AG-9847, which is owned by the applicant. Both the driver and cleaner ran away from the spot. Subsequently, the driver was arrested, who happens to be the real brother of the applicant. The truck is seized.

3. Having heard the learned advocate for the applicant and the learned Additional Public Prosecutor for the respondents – State and after going through the papers of investigation, the custodial detention and/or interrogation of the applicant does not appear necessary. The issue in respect of the applicability of Section 328 of the Indian Penal Code and similar cases is *sub judice* before the Apex Court and interim protection is granted in those matters.

4. Considering the fact that the truck is seized and contraband articles were recovered and nothing is to be recovered from the applicant, the applicant deserves protection.

5. The application is, therefore, allowed by confirming the interim order.

6. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**

S.P. Rane