

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1478 OF 2022

Mohamad Abdul Mujib Mohamad
Abdul Salim And Others

...Applicants

Versus

The State Of Maharashtra & Another

...Respondents

Mr. A.R. Borulkar, Advocate for the applicants.
Mr. P.K. Lakhotiya, APP for State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd NOVEMBER, 2022

ORDER :

1. The learned advocate for the applicants is permitted to correct the verification so as to state that the application is being filed on behalf of both the applicants.
2. The applicants apprehend their arrest in connection with Crime No. 446/2022 registered with Nanded Rural Police Station for the offences punishable under section 188, 272, 273, 328 of Indian Penal Code and section 23, 26(2), 27, 30(2)(a) and 59 (iv) of Food Safety and Standard Act, 2006.
3. It is alleged in the First Information Report that on

secret information dt. 21.07.2022 Shop No. 16, situated at Jethewad Complex in Swarajya market yard was raided. Ten bags containing prohibited articles i.e. gutkha and vimal pan masala were found there. Truck No. MP-09-HG-0385 was found standing in front of said shop. At the time of raid, said truck was driven away by applicant No. 2. Applicant No. 1 is a labour employed for unloading the articles/material from the said truck.

4. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for State. Perused the investigation papers.

5. The First Information Report is lodged on 22.07.2022. Taking into consideration the allegations made against the present applicants in the First Information Report and on perusal of investigation papers it prima facie appears that there is no material showing involvement of applicants in the alleged offence. Though, the learned Additional Public Prosecutor on instructions submits that the truck which was driven away by applicant No. 2 is yet to be seized and for that purpose custody of applicant No. 2 is necessary, the same is unacceptable as it is not the prosecution case that the contraband articles/material

seized during the investigation is transported by the said truck.
In that view of the matter, the applicants deserve protection.

6. The application is therefore allowed.

7. In the event of arrest of the applicants in connection with Crime No. Crime No. 446/2022 registered with Nanded Rural Police Station for the offences punishable under section 188, 272, 273, 328 of Indian Penal Code and section 23, 26(2), 27, 30(2)(a) and 59 (iv) of Food Safety and Standard Act, 2006, they shall be released on executing personal bond of Rs. 15,000/- each with one surety each in the like amount.

8. Till filing of charge sheet, the applicants to attend the concerned police station as and when called by the investigating officer. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]