

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

937 **BAIL APPLICATION NO.1937 OF 2022**

1. Subhash Onkar Jagtap
Age : 65 years, Occ : Cleaner,
R/o Plot no.8, Daulat Nagar,
Jalgaon.
2. Shaikh Riyaz Shaikh Fattu
Age : 25 years, occ : Driver,
R/o Near Madina Masjid, Ambika Nagar,
Mukundwadi, Aurangabad.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through Police Inspector,
MIDC Cidco Police Station,
Aurangabad, Tq. & Dist. Aurangabad
2. Commissioner of Police
Commissioner Office,
Aurangabad.

..RESPONDENTS

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Mr.A.R. Borulkar, advocate for applicants.
Mr.S.B. Narwade, APP for the respondents/State.

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CORAM : S.G. MEHARE, J.
DATE : DECEMBER 06, 2022

PER COURT :-

. Heard the learned counsel for the applicants
and the learned APP for respondents/State.

2. The applicants have been arrested for
illegal business of scented tobacco. The question
of applicability of section 328 of the Indian

Penal Code is seized with the Hon'ble Supreme Court. The Police have seized the alleged gutka. Nothing is to be recovered from the applicants. However, the learned APP submits that the other co-accused are repeatedly involved in the same crime and few are absconding.

3. Perused the papers. Whether section 328 of the I.P. Code would apply is the question in this case, however, it has been seized with the Hon'ble Supreme Court. Prima facie, it appears that nothing is to be recovered from the applicants. However, the apprehension of the prosecution can be guarded by imposing certain conditions. In that view of the matter, the application deserves to be allowed. Hence, the following order :-

ORDER

(i) The application is allowed.

ii) Applicants be released on bail, on furnishing PB and SB of Rs.50,000/- each with one solvent surety of the like amount, in C.R.No.0379 of 2022 registered with the MIDC Cidco Police Station, District Aurangabad, for the offences punishable under Sections 188, 273, 328 r/w 34 of the Indian Penal Code and section 59 of the Foods Safety and Standards Act, 2006, on the conditions that they shall attend the Police Station on every Monday between 1:00 p.m. to 3:00 p.m. till

filing the charge-sheet, and shall not involve in
the similar crime

(S.G. MEHARE, J.)

SGA