

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 BAIL APPLICATION NO.1951 OF 2022

1. SHITAL BABULAL BOHRA
2. SHAIKH HABIB SHAIKH MADAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Chapalgaonkar Shailesh S.
APP for Respondents-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 12.12.2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondents-State.
2. The issue of applicability of Section 328 of the IPC in the cases of scented *Gutkha* is seized with the Hon'ble Supreme Court.
3. The applicants have been arrested on the spot of the incident on 18.10.2022 and the alleged scented *Gutkha* and tobacco have been seized. In view of the dispute about the application of Section 328 of the IPC in the cases of scented *Gutkha* and tobacco, seized with the Hon'ble Supreme Court as well as nothing remained to be recovered from the applicants,

the applicants deserve bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant No.1. SHITAL BABULAL BOHRA and applicant No.2. SHAIKH HABIB SHAIKH MADAN be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each, in Crime No.379 of 2022, registered by Police Station M.I.D.C. CIDCO, District Aurangabad, for the offences punishable under Sections 188, 273, 328 read with Section 34 of the IPC and Section 59 of Food Safety and Standard Act, on condition not to involve in the similar offence.

(S. G. MEHARE, J.)

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vmk/-