

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.3161 OF 2021

Fardin Moinddin Shaikh ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr.Ujwal R. Agandsurve for the Applicant.
Mr.S.R. Agarkar, APP, for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 3 JANUARY 2022

P.C.

. The Applicant apprehending his arrest in connection with the Investigation of Crime No.708 of 2021 of Sardar Bazar Police Station, Solapur under Section 188, 272, 273 and 328 of Indian Penal Code and Section 59 of the The Food Safety and Standards Act, 2006 is seeking anticipatory bail.

2. The prosecution case is that on a prior information a raid was conducted on the Accused No.1 and from his possession Tobacco Pouches, which are banned were recovered. Insofar as the present Applicant is concerned his house was shown by the Accused No.1 and from the house of the present Applicant in a search which

was conducted in his absence prohibited articles worth Rs.17,800/- were recovered.

3. In this case the accused No.1 is stated to have been released on regular bail. The learned counsel for the Applicant pointed out that the offence cannot fall under Section 328 of Indian Penal Code as there is no allegation that the Applicant has administered any unwholesome or stupefying substance to any person, with an intention to commit an offence. It is submitted that the Applicant is ready and willing to co-operate with the Investigating Agency and there is no recovery which is to be made from the present Applicant.

4. The learned Additional Public Prosecutor on instructions of the Investigating Officer states that the investigation is in final stage and investigation is to be carried out to find out the source of the prohibited articles which were found in possession of the Applicant.

5. I have considered the circumstances and the submissions made. Considering the fact that the accused No.1 has already been released on Regular Bail and looking to the quantity involved which is allegedly recovered from the house of the Applicant and there is no further recovery to be made. I find that protection can be

granted, subject to the condition of the attendance and the Applicant cooperating with the Investigating Agency. In the result, the following order is passed.

ORDER

- (i) In the event of his arrest in connection with investigation of Crime No.708 of 2021 registered with Sardar Bazar Police Station, the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.
- (ii) The Applicant shall attend the Investigating Officer on every Monday between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.
- (iii) The applicant shall not tamper with the prosecution evidence/witnesses.
- (iv) In the event of breach of any of the conditions liberty to the prosecution to apply for modification.
- (v) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.