

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 792 OF 2023

Saddam Maheebub Shaikh

Applicant

Versus

The Superintendent of Police
& another

Respondents

Mr. A. R. Borulkar, Advocate for the applicant.
Mr. G. O. Wattamwar, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 16th JUNE, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0157/2022 registered with Daulatabad Police Station, dist. Aurangabad for the offences punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code and Section 59 of Food Safety and Standard Act, 2006.

2. Informant is Food Safety Officer who states that on 8th October, 2022, secret information was received about transportation of contraband articles including Gutka. Hence, raid was conducted and Container bearing No. MH 14 GD 6550 was intercepted and contraband articles were seized on the spot. Informant further states

that the said container was driven by the driver whose name was disclosed as Saddam. The said driver however fled from the spot.

3. Learned counsel for the applicant states that applicant is being falsely implicated in this crime and that there is no evidence to connect him with the crime in question.

4. Learned APP opposed said submission by stating that during the course of investigation it was revealed that on the basis of statement of co-accused Jaydatta that said transportation was being made at the instance of present applicant and another accused.

5. Perusal of the record indicates that co-accused Jaydatta was arrested on the ground that he was driving the vehicle at the relevant time. Order dated 16th November, 2011 passed by the Judicial Magistrate First Class, Aurangabad indicates that the Investigating Officer submitted that at the relevant time the accused was found carrying huge quantity of prohibited articles including Gutka in the vehicle. If this statement is to be accepted, then First Information Report to the extent of fact that only one driver was there in the vehicle becomes incorrect on the face of it. The investigating

agency has already alleged that the co-accused was driving the vehicle and therefore, now it does not stand to any reason that the Investigating Officer claims on the basis of First Information Report that the present applicant was driver of the vehicle. There are enough discrepancies to infer that this could be a case of false implication. Hence, application stands allowed in terms of interim order.

(R. M. JOSHI)
Judge

dyb