

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

955 ANTICIPATORY BAIL APPLICATION NO.836 OF 2023

MUNIR BASHIR TAMBOLI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Abhijit S. More
APP for Respondent – State : Mr. S.P. Sonpawale

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CORAM : R. M. JOSHI, J.

DATE : 4th JULY, 2023

PER COURT :

. The applicant is apprehending arrest in connection with Crime No.180 of 2023 registered with Dhoki Police Station, Tal. & Dist. Osmanabad for the offences punishable under Sections 328, 272, 273, 188 of the Indian Penal Code.

2. It is contended by the learned counsel for the applicant that the issue as to whether the offence punishable under Section 328 of the Indian Penal Code would attract to contraband article – Gutkha is pending before the Hon'ble Apex Court. He further submits that the entire recovery is already done and custodial interrogation of the applicant is not necessary.

3. The learned APP opposed the submissions made by the learned counsel for the applicant contending that the investigation is required to be done in respect of the source of the said contraband article – Gutkha and hence prayed to reject the application.

4. At this stage, it cannot be said that the offence punishable under Section 328 of IPC would attract in the present case. As far as the recovery is concerned, the entire muddemal is seized during the raid. Nothing is to be recovered at the instance of the applicant. There is no evidence to connect applicant with crime. So far as further investigation is concerned in order to find out the source of said contraband, appropriate direction to the applicant to appear before the Investigating Officer would be sufficient.

5. In view of the above, the following order is passed.

ORDER

- (i) The application is allowed on the same terms of interim order dated 30.05.2023.

[R. M. JOSHI]
JUDGE