

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 871 OF 2023

Mazhar Khan s/o Aaref Khan

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Sohail Subhedar, Advocate for the applicant.

Mr. G. O. Wattamwar, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 5th JULY, 2023.

PER COURT :

1. Learned counsel for the applicant states that the contraband articles are already seized and the persons from whom these articles are seized are also enlarged on bail. He further states that the issue as to applicability of Section 328 of the Indian Penal Code to the case of Gutkha is pending before the Hon'ble Apex Court.

2. Learned APP opposes the application and states that there are criminal antecedents against the present applicant and therefore, it is not a fit case for enlarging him on anticipatory bail.

3. For the purpose of deciding anticipatory bail this Court has taken a view that apparently Section 328 of the Indian Penal Code has no application to the cases like the case in hand. The other offences are bailable in nature therefore, criminal antecedent of the applicant has no relevance. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb