

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.960 OF 2023

**MOHAMMED ALI DADA SHAIKH @ SHAIKH MOHAMMAED ALI
SHEIKH DADA**

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A.R. Borulkar

APP for Respondent:

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CORAM : S. G. MEHARE, J.

DATE : 21.06.2023

PER COURT :

Heard the learned counsel for the applicant and the learned
A.P.P. for the respondent/State.

2. The applicant is seeking bail in Crime no. 135 /2023 registered with Police Station Jinsi, Aurangabad for the offences punishable under Sections 188, 272, 273, 328, 279 read with Section 34 of the Indian Penal Code and Section 132 of the Motor Vehicle Act 1988.

3. The applicant was allegedly the driver of the vehicle in which scented Gutka was transported. The vehicle was intercepted. The Gutka and Pan Masala were seized. Nothing is to be recovered from

the applicant. The issue whether Section 328 of the Indian Penal Code would apply in case of Gutaka and scented Pan Malsa is seized with the Hon'ble Supreme Court. The Hon'ble Supreme Court enlarged the accused in those cases on bail.

4. In the facts and circumstances of the case, further detention of the applicant would serve no purpose. Hence, the following order:-

ORDER

- (i) The application is allowed.
- (ii) Applicant Mohammed Ali Dada Shaikh @ Shaikh Mohammed Ali Sheikh Dada be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station, on the following conditions :-
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the police station as and when called by the Investigating Officer on written notice, till filing the charge sheet.

(S. G. MEHARE)
JUDGE