

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 403 OF 2023

1] Rashid Rukmuddin
2] Irshad Sahab Khan ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Tushar Sonawane for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 6 MARCH 2023

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicants came to be arrested in Crime No. 224 of 2022 registered at Wadiwarhe Police Station, Nashik for the offences punishable under Sections 420, 272, 179, 188, 273, 328 r/w. 34 of Indian Penal Code and 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a), 3(1)(zz)(i), (1)(zz)(v) r/w. 59 of the Food Safety & Standards Act, 2006.

3. Pursuant to secret information on 9 December 2022 two trucks were intercepted. On examination of the said trucks they were found to be containing Gutkha packets (prohibited tobacco products).

4. I have heard the learned Counsel for the applicants and the learned APP for the State.

5. The learned Counsel for the applicants submits that the applicants have nothing to do with the alleged crime. They are only drivers. It is submitted that applicability of Section 378 to such facts and circumstances is still pending before the Hon'ble Supreme Court. Considering the overall facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to release the applicants on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant No.1 - Rashid Rukmuddin and applicant No.2 - Irshad Sahab Khan be released on bail in Crime No. 224 of 2022 registered at Wadiwarhe Police Station, Nashik for the offences punishable under Sections 420, 272, 179, 188, 273, 328 r/w. 34 of Indian Penal Code and 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a), 3(1)(zz)(i), (1)(zz)(v) r/w. 59 of the Food Safety & Standards Act, 2006, on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
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