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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1976 OF 2023

SALEEM MAINUDDIN SHAIKH	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Sachin M. Bhavar for the Applicant.
Ms. Veera Shinde, APP for the State.
API Dhanraj Kedar, Bhiwandi Crime Branch, Thane.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 31, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 188, 272, 273, 328 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 26(2), 27, 23, 26(2)(iv), 30(2)(a), 59 of Food Safety and Standard Act registered vide C.R. No.333 of 2022 with Kongaon Police Station, Thane.
- 3.** The FIR was registered on 31.12.2022. The applicant was arrested on 14.06.2023. The applicant is the accused

No.2. There are in all four accused. The car in which the 'gutkha' was found in respect of which it is alleged that the aforesaid offence is committed is owned by the present applicant. The 'gutkha' worth Rs.32,88,600/- was seized. The said product according to the prosecution is banned.

4. Learned counsel for the applicant submitted that the issue as to whether the offence punishable under Section 328 of the IPC will be applicable to the product 'gutkha' is pending before the Hon'ble Supreme Court. The entire material has been recovered. The applicant is the owner of the car which was driven by the co-accused. The recovery is from the co-accused. Except for the offence punishable under Section 328 of the IPC other offences are bailable. Nothing is to be recovered at the instance of the applicant. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In this view of the matter, the applicant is enlarged on bail.

5. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Saleem Mainuddin Shaikh in connection with C.R. No.333 of 2022 registered with Kongaon Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Kongaon Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)