



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

BAIL APPLICATION NO.2592 OF 2023

WAQAR MANZOOR ANSARI

..APPLICANT

VS.

1. THE SENIOR INSPECTOR
SHANTINAGAR POLICE STATION

2. THE STATE OF MAHARASHTRA

..RESPONDENTS

Mr. Mateen Shaikh A/W Mr. Razique Shaikh, Arshad Shaikh, Ms. Muskan Shaikh, Mr. Afrin Khan, for the Applicant.

Ms. Veera Shinde, APP for the State.

ASI-M.B. Parab, Crime Branch, Thane, Shantinagar Police Station present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 11, 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 328, 188, 272, 273 of the Indian Penal Code ('IPC', for short), under sections 26(ii), 27(ii), 59 of the Food Safety and Standard Act, 2006 registered on 06/01/2023 vide C.R. No.338 of 2023 with Shanti Nagar Police Station, Thane.

3. There are in all 3 accused. The applicant is the accused no. 1.

The applicant was arrested on 06/05/2023.

4. Except section 328 of IPC, all other offences are bailable. The complainant received a secret information of storage of contraband articles at Gaibi Nagar, Gulzar Apartment, Bhiwandi. As per information, police officials formed a team and raid was conducted. The applicant was found at the spot place. On further search, it was found that articles- pan masala and tobacco worth Rs. 8,20,000/- which was recovered. There are no criminal antecedents reported against the applicant. The raid was conducted on 06/05/2023. The investigation is complete. The charge-sheet has been filed. The entire contraband has been seized. The applicant is in custody for more than 5 months. The applicability of section 328 to the contraband – panmasala is pending consideration before the Hon'ble Supreme Court. In the facts and circumstances of the present case, further custody of the applicant is not necessary. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Waqar Manzoor Ansari in connection with C.R. No. 338 of 2023 registered with Shanti Nagar Police Station, Thane shall be released on bail on his furnishing PR. Bond of Rs.50,000/-

with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the investigating officer of Shanti Nagar Police Station, Thane once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) It is obviously expected that the applicant shall not indulge in similar type of act which is an offence in future.

5. The application is disposed of.

(M. S. KARNIK, J.)