



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.490 OF 2023

Syed Muzammil Syed Mahfuz Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri N.R. Tekade, Advocate for applicant.
Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : OCTOBER 03, 2023.

The applicant is apprehending his arrest in connection with Crime No.360/2023 registered with Police Station, Barshitakli, District Akola for the offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and under Sections 26(2), 3, 59 and 30(2)(a) of the Food Safety and Standards Act, 2006.

2. On receipt of secrete information that one person is transporting the contraband article viz. Pan masala, scented tobacco, the informant who is Assistant Police Inspector intercepted the motorcycle, which was driven by co-accused-Sk. Mohammad Sk. Gani and found scented tobacco and pan masala worth Rs.51,380/-. The said contraband articles were immediately seized on the spot and co-accused came to be arrested. During the investigation, on confessional statement the co-accused revealed that the said contraband articles were purchased from the applicant and accordingly the involvement of the present applicant came to be revealed.

3. It appears that contraband articles have already seized, which is a crucial part of the investigation. Nothing is to be

seized from the applicant. The co-accused has already been arrested and released on bail. The applicant is already protected by way of interim order dated 26.07.2023. There is no likelihood that the applicant would flee from justice. A case is made out for exercising discretion in favour of the applicant. Hence, the application is allowed. The ad interim protection order dated 26.07.2023 is hereby confirmed.

The application is disposed of.

JUDGE

Wagh