



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 621/2023

FAIYYAZ SHEIKH S/O. KHALIL SHEIKH

VS

STATE OF MAH. THR. PSO, PS WARDHA CITY, TAH. WARDHA, DIST. WARDHA.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.N. Nandeshwar, counsel for applicant
Mr. Hulke, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/12/2023.

1. By this application, the applicant is seeking pre-arrest bail in the event of his arrest in connection with Crime No.995/2023 registered with Police Station Wardha City, District Wardha for the offences punishable under Sections 188, 272, 273, and 328 of the Indian Penal Code, 1860 along with Sections 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and Section 59 of the Food Safety and Standard Act, 2006.

2. Learned counsel Mr. S.N. Nandeshwar for the applicant submitted that entire contraband articles which are seized from the vehicle owned by the present applicant and parked in front of the house are already seized. Considering the same, he was protected by granting ad-interim protection. As far as

the custodial interrogation is concerned, the articles are already seized and his physical custody is not required and prays for conformation of the interim relief granted in his favour.

3. Learned APP strongly opposed the present application on the ground that custodial interrogation is required, as regards the investigation, that from whom he has obtained the contraband articles is to be carried out and prays for rejection of the application.

4. After hearing both the sides and on perusal of the recitals of the FIR, it reveals that contraband articles are already seized from the present applicant, as far as the custodial interrogation is concerned, which is not required. Only for the purpose of interrogation is concerned, from whom he has obtained the same contraband articles, the said interrogation can be carried out even after he is released on anticipatory bail. As far as the application of Section 328 is concerned, the issue is pending before the Hon'ble Apex Court.

5. In that view of the matter, criminal application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

[i] Criminal application is **allowed**.

- [ii] Interim relief granted in favour of the present applicant is confirmed on the similar terms and conditions that the applicant shall furnish P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.
- [iii] The applicant shall attend concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- [iv] The applicant shall furnish his cell phone number along with address with the address proof.
- [v] The applicant shall not induce threat or promise to any witnesses, who are connected with the alleged crime.

Criminal application is **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J]