



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

CRIMINAL APPLICATION (ABA) NO.630 OF 2023

(Sayyad Alim Vs. The State of Maharashtra)

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

Court's or Judge's Order

Shri A. Raoka, Advocate for the applicant.
Ms T. Udeshi, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- NOVEMBER 30, 2023.

Heard.

2. The Investigating Officer is present before the Court.

3. The applicant is seeking anticipatory bail in connection with Crime No.1007/2023, registered with Police Station Hinganghat, District Wardha, for the offence punishable under Sections 188, 328, 273, 272 of the Indian Penal Code and under Sections 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 59 and 3 of the Food Safety and Standards Act, 2006.

4. Learned Counsel for the applicant submitted that the applicant is apprehending arrest at the hands of police as crime is registered against him and other co-accused on an allegation that the co-accused are found in possession of contraband articles i.e. scented supari, scented tobacco worth of Rs.16,94,330/-. They were found transporting the said contraband articles. They were arrested on the basis of the disclosure statement of co-

accused. It reveals to the Investigating Officer that the present applicant has supplied the said goods to them. Learned Counsel for the applicant further submitted that the statement of the present applicant is recorded from which it reveals that only role of the present applicant is that he assisted them for purchasing the said tobacco from the open market. There is no acquaintance between the present applicant and other co-accused. There was only a communication through mobile. As far as the custodial interrogation is concerned, the applicant has already cooperated with the Investigating Agency. The issue regarding the applicability of the Section 328 is pending before the Hon'ble Apex Court. In view of that, the interim protection granted to the present applicant be confirmed.

5. Learned Additional Public Prosecutor strongly opposed the application on the ground that the present applicant has supplied the said goods to the co-accused. In view of that *prima facie* case is made out against the present applicant and hence the application deserves to be rejected.

6. Having heard learned Counsel for the applicant. Perused the investigation papers. It reveals that after granting interim protection, the applicant has attending the police station and cooperating the Investigating Agency.

7. The statement of the present applicant is recorded from which it reveals that there was no previous acquaintance between the present applicant and the other co-accused. He is resident of district Adilabad, Telangana wherein there is no ban for purchasing the said tobacco, and therefore, he helped the other co-accused to purchase the same. As far as the custodial interrogation is concerned which is not required as entire stock is already seized.

8. Considering the fact that the applicant has already cooperated with the investigating agency and now further custodial interrogation of the applicant is not required. The interim protection granted to the present applicant deserves to be confirmed and accordingly I proceed to pass the following order :

(i) In the event of arrest in connection with Crime No.1007/2023, registered with Police Station Hinganghat, District Wardha, for the offence punishable under Sections 188, 328, 273, 272 of the Indian Penal Code and under Sections 26(1), 26(2)(iv), 27(3) (e), 30(2)(a), 59 and 3 of the Food Safety and Standards Act, 2006, the applicant – Sayyad Alim shall be released on bail on his furnishing a PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

(iii) The applicant shall furnish the local surety for the satisfaction of the Court.

(iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

(v) The applicant shall furnish his cell phone number and address with address proof before the Investigating Officer.

(URMILA JOSHI-PHALKE, J.)

**Divya*