



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

949 BAIL APPLICATION NO. 1563 OF 2024

Minhaj Babu TamboliApplicant

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. Y. G. Birajdar, Advocate for Applicant.

Mr. G. O. Wattamwar, APP for the State.

CORAM : S. G. MEHARE, J.

DATE : 24th SEPTEMBER, 2024.

PER COURT :

1. Heard learned counsel for the Applicant and learned APP for the State.

2. Applicant seeks bail in Crime No. 337/2024 registered at AUSA Police Station, Tq. & Dist. Latur, for the offences punishable under Sections 123, 223, 274, 275 of Bhartiya Nyaya Sanhita, 2023 and Section 59 of Food Safety and Standards Act.

3. The Applicant seeks bail on the ground that Section 123 of the BNS does not attract the case for the reason that there was no material evidence with the prosecution to establish that it was

intentionally administered to cause death or injury to anybody's life. Nothing remains to be recovered from the Applicant. Hence, he may be granted bail.

4. Learned APP opposed the Application. He would submit that selling, transporting and storing etc. of scented tobacco or chewing substance is prohibited in the State of Maharashtra. Even then, the Applicant was doing such an illegal business. The tobacco is harmful to the human life. Indirectly, he was administering the poisonous substance to the young generation of the Nation. Therefore, he does not deserve bail.

5. Whether Section 123 of BNS is applicable or not is a question. For applying such section, there must be an act of administering such intoxicated substance. The scented tobacco was immediately seized. Nothing is to be recovered from the Applicant. Therefore, the Court is of the view that detention of the Applicant would serve no purpose. Hence, the following order :-

ORDER

- (i) Application is allowed.

(ii) Applicant Minhaj Babu Tamboli be released on furnishing P.B. and S.B. of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount, in connection with Crime No. 337/2024 for the above offences, on the following conditions :-

(a) He should not tamper with the prosecution witnesses.

(b) He should not involve in the similar crime.

(c) He should attend the police station as and when called by the Investigating Officer on written notice, till filling of the charge-sheet.

(S. G. MEHARE)
Judge