

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

ANTICIPATORY BAIL APPLICATION NO. 827 OF 2023

Nayeem Ahmed Khan

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Vaibhav R. Gaikwad a/w. Atharva R. B. for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 30 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.149 of 2022, registered at Yavat Police Station, Pune Rural, on 16.02.2022, under section 328, 272, 273 and 188 r/w. 34 of the Indian Penal Code and under sections 26(2)(i), 26(2)(iv), 27(2)(e) of the Food Safety and Standards Act, 2006 (hereinafter referred to as 'FSS Act').

2. Heard Mr. Vaibhav Gaikwad, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by Smt. Kranti Baravkar. She was

working as the Food Safety Officer, at Pune. The informant's team went to Boripardhi, Taluka Daund, District Pune and inspected the intercepted tempo. The driver's name was Yasin Khan. The search was conducted. It was found that, from that vehicle, the banned articles namely pan masala, scented tobacco etc. were transported. There were about 32400 packets. The F.I.R. itself mentions that the documents showed that the tempo was owned by the present applicant. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant has no connection with the offence. He was not transporting any articles. He was not the owner of the banned articles. He is falsely implicated. Section 328 of the I.P.C. is not applicable. The applicant deserves protection of anticipatory bail order.

5. Learned APP opposed these submissions. She relied on the order passed by this court on 30.01.2024 in A.B.A.No.207 of 2024.

6. I have considered these submissions. Considering the

view taken in the order dated 30.01.2024 passed in A.B.A.No.207 of 2024, the facts of the present case are squarely covered by those observation. The offence is serious. The applicant's custodial interrogation is absolutely necessary. Considering all these aspects, the applicant cannot be protected.

7. The application is rejected.

(SARANG V. KOTWAL, J.)