



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

CRIMINAL APPLICATION (BA) NO.936 OF 2024

Ajmat Kha Rahemat Kha

Vs.

State of Maharashtra, Through Police Station Officer, Hiwarkhed,
District Akola

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

Court's or Judge's orders

Mr. U. J. Deshpande, Counsel for the applicant.
Ms. Kavita Bhongde, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18 /10/2024

1. The applicant came to be arrested on 09.09.2024 in connection with Crime No.260/2024 registered with Police Station, Hiwarkhed, District Akola for the offences punishable under Sections 26(2), 26(2)(i), 26(2)(ii), 27(3), 27(3)(d), 27(3)(e), 30(2), 30(2)(a) of the Food Safety and Standards Act, 2006 and under Sections 123, 245, 270, 271 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Raju Damodhar Kharche, ASI alleging that he has received the secret information that the applicant is transporting the contraband articles i.e. scented tobacco, pan masala, scented nuts. Immediately, applicant's motorcycle was intercepted by the informant and other raiding party. On intercepting the vehicle, the contraband articles

are seized in presence of the panchas. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned which allegedly is that, he was transporting the said contraband articles which are banned in the State of Maharashtra. Now, the entire contraband articles are seized. As far as his further incarceration is concerned, which is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the banned contraband articles was allegedly transported by the present applicant, his involvement is revealed as the contraband articles are seized from his possession, therefore, the application deserves to be rejected.

5. After hearing the both sides and on perusal of the investigation papers, it reveals that the applicant was found possessing the contraband articles which are banned in the State of Maharashtra. As far as the investigation is concerned, which is practically completed. The entire contraband articles are already seized. As far as the further incarceration of the present applicant is concerned, which is not required. In view of that, the application deserves to be allowed by imposing

certain conditions. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Ajmat Kha Rahemat Kha** shall be released on bail in connection with Crime No.260/2024 registered with Police Station, Hiwarkhed, District Akola for the offences punishable under Sections 26(2), 26(2)(i), 26(2)(ii), 27(3), 27(3)(d), 27(3)(e), 30(2), 30(2)(a) of Food Safety and Standards Act, 2006 and under Sections 123, 245, 270, 271 of the Bharatiya Nyaya Sanhita, 2023, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not induce, or promise any witnesses who are acquainted with the facts of the case.
- (iv) The applicant shall not indulge in similar type of the activities in future.
- (v) Contravention of any of the conditions would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)