



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

943 ANTICIPATORY BAIL APPLICATION NO. 229 OF 2025

Shaikh Javed @ Babbu Shaikh Basheer

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. A.R.Hange h/f Mr. Hange Rajendra G.

APP for Respondents-State: Ms. P. V. Diggikar

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 20, 2025.

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No.40/2025, dated 21/01/2025, registered with Shivajinagar Police Station, Beed, District Beed, for the offences punishable under sections 123, 223, 274, 275 of the Bharatiya Nyaya Sanhita, 2023.
3. The learned APP submits that one more crime involving Gutkha has been registered against the applicant. He further objects to the confirmation of the interim protection granted to the applicant/accused.
4. Considering the judgment of this Court in the case of **Gaurav Jayantbhai Hapani Vs. The State of Maharashtra** in Anticipatory Bail Application No.3406 of 2022, decided on 19.01.2023 and also the order

passed by the Hon'ble Supreme Court in the case of ***Eknath Bhalchandra Patil Vs. The State of Maharashtra*** in Petition (s) for Special Leave to Appeal (Cri.) No. 8698/2023, decided on 28.07.2023, wherein in identical fact situation, the Hon'ble Supreme Court so also this Court in the above noted judgments has observed that applicability of Section 328 of Indian Penal Code [123 of the Bhartiya Nyaya Sanhita] is doubtful in the case of seizure of tobacco and tobacco products including Gutkha and anticipatory bail has been granted.

5. In view of the above, the order passed by this Court on 13/02/2025 is confirmed. The application is allowed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.40/2025, dated 21/01/2025, registered with Shivajinagar Police Station, Beed, District Beed, for the offences punishable under sections 123, 223, 274, 275 of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant,

witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

6. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.