



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2072 OF 2025

Shaikh Shoaib Shaikh Aref

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for Applicant : Mr. Prashant Prabhakar Giri
APP for Respondents: Mr. A.A. Khan.

CORAM : MEHROZ K. PATHAN, J.

DATE : 11TH DECEMBER, 2025.

P.C. :-

1. The applicant has approached this Court seeking anticipatory bail in connection with Crime No. 0573 of 2025 registered with Ardhapur Police Station, District Nanded for the offences punishable under Sections 123, 223, 274, 275, 221, 281 of the Bhartiya Nyaya Sanhita and under Sections 26(2), 30(2)(a) and 59(i) of the Food Safety and Standards Act.

2. Mr. Giri, learned counsel for the applicant submits that the applicant is falsely implicated in the present matter. The applicant has no criminal antecedents. The Contraband Ganja is already seized from the car and the vehicle was also seized and handed over to the owner of the vehicle on Supurtnama in the proceeding filed by the owner of the vehicle. Thus, nothing remains to be recovered at the instance of the applicant. As such, he may be released on bail. He is not having any criminal antecedents against him. He is also ready to abide by any conditions that may be imposed by this Court.

2. Learned APP Mr. Khan vehemently opposes the application on the ground that huge contraband of prohibited tobacco and Pan masala has been seized after receiving the secret information. The applicant was asked to accompany to the police station, however, ran away by leaving the vehicle on the spot. He, therefore, submits that the custodial interrogation of the applicant would be necessary to unearth the entire conspiracy and also if there are some other persons involved in the sale and transportation of contraband prohibited scented tobacco and pan masala. He, therefore, submits that the application may be rejected.

3. I have gone through the investigation papers submitted by the learned APP. Perusal of the allegations in the FIR and the investigation papers show that the entire contraband tobacco and pan masala and the vehicle is seized and the vehicle is released in favour of the owner of the vehicle. The contraband seized is sent by drawing samples to the Chemical Analyser for obtaining its report. Since nothing is to be recovered at the instance of the applicant and as there are no criminal antecedents, I am inclined to protect the applicant, till the investigation papers are made available for perusal. Hence, the following order:-

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No. 0573 of 2025, registered with Aardhapur Police Station, District Nanded for the offences punishable under Sections 123, 223, 274, 275, 221, 281 of the Bhartiya Nyaya Sanhita and under Sections 26(2), 30(2)(a) & 59(i) of the Food Safety and Standards Act, the applicant Shaikh Shoaib Shaikh Aref, be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- , with one or more sureties in the like amount, on the following conditions :

[i] The applicant shall attend the Ardhapur police station every Saturday from 11.00 to 1.00 p.m. till filing of charge sheet.

[ii] The applicant shall not tamper with the prosecution evidence.

[iii] The applicant shall submit his Aadhar and Pan card to the Investigating Officer. He shall also furnish mobile numbers and addresses of two of his near relatives to the Investigating Officer.

[iv] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-