

Imran Husain Shaikh vs State Of Maharashtra on 6 July, 2022

Author: N. J. Jamadar

Bench: N. J. Jamadar

4-ABA-1620-22.DOC

Sayali Upasan

SANTOSH
SUBHASH
KULKARNI
Digitally signed by

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

SANTOSH SUBHASH
KULKARNI
Date: 2022.07.08
09:51:05 +0530

ANTICIPATORY BAIL APPLICATION NO. 1620 OF 2022

Imran Husain Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep Nikam i/b S.S. Choudhari, for the Applicant.

Mr. Y. Y. Dabake, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 6th July, 2022

PC: -

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with C.R. No. 324 of 2022 registered with Indapur Police Station for the offences punishable under Sections 328 and 188 of Indian Penal Code, 1860 ("the Penal Code") and Sections 26(2), 26(2)

(a), 27(3)(d), 27(3)(e) and 59 of the Food Safety and Standards Act, 2006.

3. The applicant was allegedly found selling the contraband article i.e. scented tobacco and gutkha at 40 feet road, Indapur. After noticing the raiding party, the applicant taking advantage of the hubbub, fled away from the spot.

4-ABA-1620-22.DOC

4. The learned counsel for the applicant submits that the matters wherein the issue of the applicability of Section 328 of the Indian Penal Code, in the context of allegations of storage, transportation and sale of tobacco products, are under consideration of the Supreme Court and those matters are directed to be listed in the third week of July, 2022. A number of matters wherein identical question is raised are posted for consideration on 5th August, 2022 before this Court.

5. List on 5th August, 2022.

6. Till the next date, the applicant shall not be arrested in C.R. No.324 of 2022.

[N. J. JAMADAR, J.]