

Sayyad Khijar Akhil vs The State Of Maharashtra And Another on 10 June, 2024

Author: Shivkumar Dige

Bench: Shivkumar Dige

2024:BHC-AUG:10494

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664.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
27 ANTICIPATORY BAIL APPLICATION NO. 664 OF 2024

Sayyad Khijar Akhil

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. The Police Inspector

..RESPONDENTS

...
Advocate for Applicant : Mr. Shrikant B. Madde
APP for Respondent/State: Mr.P.K. Lakhotiya

...
CORAM : SHIVKUMAR DIGE, J.
DATE : 10th June, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.104 of 2024 registered with Kingaon Police Station, Tq. Ahmedpur, Dist.Latur, for the offence punishable under sections 188, 328, 272, 273 of the Indian Penal Code (For short, "IPC") and Section 59 of the Food Safety and Standard Act.
2. It is the prosecution case that on 22.03.2024, at about 12.30 p.m., the Police conducted raid at village Takalgaon in the grocery shop run by the applicant. In the said raid, the raiding party found

possession of contraband Gutkha worth Rs.30,244/-. Intimation was given to the Food Safety Officer. After completion of usual formalities, the Food Safety Officer lodged the report against the applicant.

3. It is the contention of the learned counsel for the applicant that
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the applicant has been falsely implicated in this crime. The alleged Gutkha was seized on 22.03.2024, the report was lodged on 1 st April, 2024. The custody of the applicant is not required as Gutkha is already seized. Hence, the learned counsel requested to allow the application.

4. The learned APP for the respondent/State submits that Gutkha is seized from the grocery shop of the applicant. There is prima facie case against the applicant. Custodial interrogation of the applicant is required to inquire with the applicant about source of Gutkha. Hence he requested to reject the application.

5. I have heard both the learned counsel.

6. It appears from the record that the alleged raid was conducted on the grocery shop of the applicant on 22.03.2024 and the panchanama was also drawn on 22.03.2024 and thereafter the report was given to the Food and Safety Officer, but the FIR is lodged on 1 st April, 2024. There is 10 days delay for lodging the FIR. Moreover, Gutkha is already seized. Custodial interrogation of the applicant is not required. Hence I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No.104 of 2024 registered with Kingaon Police Station, Tq. Ahmedpur, Dist. Latur, for the offence punishable under sections 188, 328, 272, 273 of the Indian Penal Code and Section 59 of the Food Safety and 3 664.2024ABA.odt Standard Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- with

one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(b) The applicant shall not indulge in the same type of offence.

[SHIVKUMAR DIGE, J.] sga