

Mohammed Faqaruddin Mohammed ... vs The State Of Maharashtra on 9 August, 2024

2024:BHC-AUG:17671

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971-BA-1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1348 OF 2024

MOHAMMED FAQARUDDIN MOHAMMED ISHAQUEUDDIN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shaikh Altamash Abdul Latif
APP for Respondent : Mr. S. B. Pulkundwar

...

CORAM : S. G. MEHARE, J.
DATE : 09-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in C.R.No.I-177 of 2024 registered with Begumpura Police Station, Taluka and District Chhatrapati Sambhajinagar (Aurangabad), for the offences punishable under Sections 328, 272, 273, 188 of the Indian Penal Code read with Sections 26(1), 26(2)(iv), 30(2)(a), 59 of the Food Safety and Standards Act, 2006.
3. The prosecution has a case that the applicant apprehended while carrying scented gutka in his vehicle. He had no explanation for valid business. Such a business is prohibited in the State of Maharashtra. He is a habitual offender. On this ground, the learned A.P.P. has strongly objected the application.
4. The learned counsel for the applicant submits that the

registration of the first information report. He has been falsely involved in the crime. He has been arraigned as an accused only he being a resident of other State. Out of the offences registered against the applicant only, Section 328 of the Indian Penal Code is non-bailable.

5. The prosecution has no case that the applicant was administering the poisonous substance through the scented gutka. Therefore, it is doubtful whether Section 328 of the Indian Penal Code would apply. The so-called contraband has been seized. Nothing is to be recovered from him. The apprehension of the prosecution that the applicant involving in the similar crime may be guarded by imposing certain conditions. Hence, the order:-

ORDER

i) The application is allowed.

ii) Applicant- Mohammed Faqaruddin Mohammed Ishaqueuddin be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,

(a) He should not indulge in similar crimes. If he is seen involved in similar crime/s, the prosecution is at liberty to file an application for cancellation of bail.

(b) He shall attend the Police Station as and when called on written notice by the Investigating Officer till the filing of the chargesheet.

(S. G. MEHARE, J.) rrd