

# Mohammad Anwar Khan And Another vs The State Of Maharashtra And Another on 30 July, 2024

2024:BHC - AUG:15998

{1}

ABA 651 OF 2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 651 OF 2024

- 1] Mohammad Anwar Khan  
Age: 49 years, Occu.: Business,  
R/o. Aman Residency, Allama Masjid,  
Bibi Lake, Vathva, Dist.Ahmedabad,  
Gujrat State.
- 2] Abdul Hanif Abdul Aajij  
Age: 52 years, Occu.: Business,  
R/o. Mohammadpur Hattigahan, Soran,  
Prayagraj, Utter Pradesh. ....Applicants

Versus

- 1] The State of Maharashtra  
Through Shirpur City Police Station.
- 2] The Superintendent of Police  
Dhule, Dist.Dhule. ....Respondents

.....  
Advocate for Applicants : Mr. Suniket Anil Kulkarni  
and Ms.Rutuja L. Jakhade  
APP for Respondents: Mrs.Uma S.Bhosale

.....  
CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 29 JULY, 2024  
PRONOUNCED ON : 30 JULY, 2024

ORDER :

1. Apprehending arrest in Crime No.0060 of 2024 registered at Shirpur City Police Station, Dist.Dhule for commission of offence {2} ABA 651 OF 2024 punishable under Sections 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a), 3, 59(1) of the Food Safety and Standards Act and under Sections 188, 272, 273, 328 read with 34 of the Indian Penal Code (IPC), instant application has been pressed into service.

2. Learned Counsel for the applicants pointed out that applicants are owners of vehicles, which were allegedly intercepted by complainant i.e. Food Safety Officer, Dhule. That there are allegations that banned tobacco products were transported. Learned Counsel pointed out that infact applicants are owners of the Trucks and they have nothing to do with alleged contraband. That drivers merely provided their names as owners. That there is nothing beyond such statements of Drivers to connect present applicants with the alleged seizure. Learned Counsel pointed out that already goods have been seized alongwith vehicles. Nothing fresh is to be recovered or discovered. That applicants are ready to co-operate with investigating machinery and hence, prayers for grant of anticipatory bail.

3. Learned APP, who placed documents on record, pointed out that applicants are owners of the vehicles. That there are {3} ABA 651 OF 2024 Registration Certificate particulars of ownership. That at their behest, goods were transported to unknown destination. That investigation to that extent is to be made. That for effective investigation, custodial interrogation of the applicants is necessary and so relief as sought is strongly opposed.

4. Perused the FIR dated 04-02-2024. There are allegations that banned tobacco products were being transported and were intercepted while vehicles were coming from Gujarat State carrying tobacco products worth lakhs of Rupees. Flying squad claims that interception and seizure was effected near Sai Hotel, Shirpur. On enquiry with Drivers and Cleaners, details of the ownership of the vehicles were revealed i.e. of present applicants. Police Papers show that after registration of crime, investigating machinery has seized the vehicles and alleged contraband by drawing panchanama. Spot panchanama and seizure panchanama are also shown to be drawn on 04-02-2024 and samples are also shown to be despatched to the Laboratory for analysis. Statements of participants of raiding party are also recorded.

5. The principal ground for opposing the instant anticipatory bail {4} ABA 651 OF 2024 application is that investigation is incomplete and according to learned APP, destination of the goods to be taken to and further investigation as to exactly from where products were manufactured and transferred is yet to be revealed and moreover, contraband is found in the vehicles owned by applicants and therefore, their custodial interrogation is necessary. Learned APP pointed out that huge quantity of contraband has been seized.

6. Admittedly, contraband and vehicles are already seized by the Police. Investigation as to where manufacturing was done and at what end goods were to be supplied, can also be carried out by securing the presence of the applicants. Nothing new is to be recovered as contraband is already seized and samples are sent for Chemical Analysis. Investigation appears to have proceeded to larger extent and therefore, remaining investigation can be carried out by securing presence of the applicants as and when required. Accordingly, I proceed to pass following order :

## ORDER

(i) Anticipatory Bail Application No.651 of 2024 is allowed.

{5}

ABA 651 OF 2024

(ii) In the event of arrest of applicant nos.(1) Mohammad Anwar

Khan and (2) Abdul Hanif Abdul Aajij in connection with Crime No.0060 of 2024, registered with Shirpur City Police Station, Dist.Dhule, for offence punishable under Sections 26(2)(iv), 27(3)

(d), 27(3)(e), 30(2)(a), 3, 59(1) of the Food Safety and Standards Act and under Sections 188, 272, 273, 328 read with 34 of the Indian Penal Code, they be released on executing Personal Bond of Rs.25,000/- each with one surety each in the like amount.

(iii) Applicants shall not leave jurisdiction of Shirpur City Police Station, Dhule till filing of chargesheet.

(iv) Applicants shall attend concerned Police Station on every Monday, Thursday and Saturday between 09:00 a.m. to 01:00 p.m. till filing of chargesheet.

( ABHAY S. WAGHWASE ) JUDGE SPT