

# **Raheel Mushtaque Kazi And Anr vs The State Of Maharashtra And Anr on 9 June, 2021**

**Author: Prakash D. Naik**

**Bench: Prakash D. Naik**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1325 OF 2021

Raheel Mushtaque Kazi and another  
versus  
The State of Maharashtra and another

Applicants

Respondents

Mr.I.A.I.Patel for applicant.  
Mr.A.R.Kapadnis, APP, for State.  
Mr.Govardhan Girawale, IO and API, Manikpur Police Station,  
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th June 2021

PC :

1. This is an application for anticipatory bail in CR No.168 of 2021 registered with Manikpur Police Station for offences under Sections 328, 186, 272, 273 of IPC and under Sections 3, 26(2)(iv), 2(1) and 30(2)(a), 59 of Food Safety and Standards Act.
2. The case of the prosecution is that movement of the applicants was found suspicious. They were found in possession of Gutkha valued at Rs.63,400/-.
3. The submission of learned counsel for applicant is that the applicants are falsely implicated in this case. They were the purchasers of Gutkha pouch. They were not arrested immediately. They were let off and subsequently in the mid night the FIR was registered and their arrest was sought. Section 328 is not applicable in this case.

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4. Learned APP submitted that there is direct involvement of the applicants in this case. They ran away from the place of incident. Prohibited Gutkha was recovered from them. The value of Gutkha is Rs.63,400/-.

5. On perusal of the FIR it is apparent that involvement of applicants is disclosed. The submission that Section 328 IPC is not attracted, cannot be accepted. This issue has been dealt with by this Court in several decisions. Hence, no case for grant of this application is made out. Hence, the anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.) MST