

# Nehal Ahmed Niyaz Ahmed Shaikh And Anr vs The State Of Maharashtra on 7 August, 2021

**Author: M.S.Karnik**

**Bench: M. S.Karnik**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

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ANTICIPATORY BAIL APPLICATION NO. 2547 OF 2019

Nehal Ahmed Niyaz Ahmed Shaikh and anr. .... Applicants  
Vs.  
State of Maharashtra ..... Respondent

Mr.Marmik Shaikh i/b Mr.Kushal Mor, for the Applicants.  
Smt. P.N. Dabholkar, APP for the Respondent - State.  
Mr.D.M. Lokhande, PSI, Bhoiwada Police Station, Bhiwandi  
present.

CORAM : M. S.KARNIK, J.

DATE : 07th AUGUST, 2021

P.C. :

. Heard learned Counsel for the applicants. The a

are seeking pre-arrest bail in C.R. No. I - 284 of 2019 registered with Bhiwandi Police Station, Thane for the offences punishable under Sections 188, 328, 272, 273, 224 r/w 34 of Indian Penal Code and 59, 26(2), 27 of the Food Safety and Standards Act, 2006. It is alleged by first informant Shankar Kishan, Food Safety Officer that on receipt of confidential information regarding sale of banned food products, he visited M/s. New Bombay Supari Kirana and General Stores. Applicant No. 1

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present in the shop. Applicant No. 1 informed the concerned officer that owner of the shop is Faiyyaz Ahmad Newaz Ahmad Shaikh i.e. Applicant No.2 and he was not present in the shop on that date. No banned food products were found in the shop. However, when the godown of the first floor was checked, banned products in the nature of pan masala, tobacco, gutka total valuing Rs. 2,37,074/- were found.

2. It is the contention of the learned Counsel for the Applicant No.1 that he is a student and was only present in the shop on that day as his brother - Applicant No.2 was not in town. Applicant No.1 has no concern with the business. Applicant No.2 is the owner of the shop. This Court by interim order dated 21/11/2019 granted interim pre-arrest bail. Pursuant to the order passed by this Court, learned APP submits that applicants co-operated with the investigation. The entire stocks are already

seized. It is further pointed out that even charge-sheet is filed on 31/03/2021 in Session Case No. 626/21 before the trial Court. In this view of the matter, as the charge-sheet is filed and even the prosecution is not now seeking custodial interrogation of the applicants, as all materials have been seized and the applicants have co-operated with the investigation, the present Application deserves to be allowed. Hence the following order is passed.

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ORDER

i) Application is allowed and the interim order stands confirmed.

ii) In the event of the arrest of the applicants in Crime No. I -

284 of 2019 registered with Bhiwandi Police Station, Thane, applicants shall be released on bail on their furnishing P.R. bond of Rs. 50,000/- each with one or more sureties in the like amount.

(iii) The applicants shall report to the Investigating Officer as and when called for.

(iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

3. Application is disposed of.

(M.S.KARNIK, J.)