

# Gulam Rizwan Gulam Jilani vs The State Of Maharashtra And Another on 19 June, 2024

**Author: Shivkumar Dige**

**Bench: Shivkumar Dige**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

960 ANTICIPATORY BAIL APPLICATION NO. 245 OF 2024

Gulam Rizwan Gulam Jilani  
VERSUS  
The State of Maharashtra and another

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Advocate for Applicant : Mr. Gaurav L. Deshpande  
APP for Respondents: Mr. R.B. Dhaware

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CORAM : SHIVKUMAR DIGE, J.  
DATED : 19th JUNE, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with FIR No. 62 of 2023 registered with Himayatnagar Police Station, District Nanded, for the offence punishable under sections 188, 272, 273, 328 of I.P.C. and sections 26(2) (i), 26(2)(iv), 27(3)(e), 30(2)(a) of the Food Safety and Standards Act, 2006.

2. It is the prosecution case that on 19.3.2023 at around 8.20 p.m. the police received secret information that there is stock of Gutkha in the house of co-accused Gajanan Kale. On receiving the information, the police raided at the house of Gajanan Kale and

found the stock of Gutkha. The police seized the said Gutkha in presence of Panchas. In the investigation, it revealed that co-accused Gajanan Kale had purchased the said Gutkha from the

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applicant.

3. It is the contention of the learned counsel for the applicant that the applicant's name has been falsely implicated in the F.I.R. No Gutkha is seized from the house of the applicant. The police has seized the Gutkha from the house of co-accused Gajanan Kale. The custodial interrogation of the applicant is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that Gutkha has been seized from the house of co-accused Gajanan Kale. The said Gutkha was purchased from the applicant. The custodial interrogation of the applicant is required for further investigation. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. It is alleged that the Gutkha is seized from the house of the co-accused Gajanan Kale and it is also alleged that the said Gutkha was purchased from the applicant by co-accused Gajanan Kale. There is no recovery from the house of the applicant, as the Gutkha is already seized from the house of co-accused Gajanan Kale. No custodial interrogation of the applicant is 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. 62 of 2023 registered with Himayatnagar Police Station, District Nanded, for the offence punishable under sections 188, 272, 273, 328 of I.P.C. and sections 26(2) (i), 26(2)(iv), 27(3)(e), 30(2)(a) of the Food Safety and Standards Act, 2006, 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 condition :-

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

(SHIVKUMAR DIGE, J.) rlj/