

Firoz @ Adam Ayyub Umate vs The State Of Maharashtra And Another on 13 June, 2024

Author: Shivkumar Dige

Bench: Shivkumar Dige

2024:BHC-AUG:10797

1

894.2

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
919 ANTICIPATORY BAIL APPLICATION NO. 894 OF 2024

Firoz @ Adam Ayyub Umate

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr. Prashant Prabhakar Giri
APP for Respondent/State: Ms.R.P. Gaur

CORAM : SHIVKUMAR DIGE, J.
DATE : 13th June, 2024.

P.C.:

1. Heard. Issue notice to the respondents. The learned APP waives service of notice on behalf of the respondents.
2. The applicant apprehends arrest in connection with FIR No.115 of 2024 registered with Renapur Police Station, Tq. Renapur, Dist.Latur, for the offences punishable under sections 328, 188, 272, 273 of the Indian Penal Code (For short, "IPC") and under section 59 of the Food Safety and Standards Act.
3. It is the prosecution case that one Vithal Londhe, Food Safety Officer, Latur has lodged the FIR stating that he has been appointed by

the Commissioner of Food and Drugs Administration, Mumbai, to inspect food samples and to take action against prohibited food articles. On 20th March, 2024, Mr. B. Chandrakant Reddy, Assistant Superintendent of Police informed that on 18 th March, 2024, he along

2

894.2024ABA.odt

with the police staff has conducted raid at Renapur in the shop of accused no.1 Bilal and accused no.2 Mehetabsab and seized contraband articles from their shops. In the investigation, it revealed that the said Gutkha was purchased from the applicant and Premnath More.

4. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. There is no recovery of Gutkha from the possession of the applicant. Mere on suspicion, name of the applicant is mentioned in the FIR. The learned counsel further submitted that the accused nos.1 and 2 have been released on anticipatory bail by this Court. Hence it is requested to allow the application.

5. It is contention of the learned APP that the police has seized the Gutkha from accused nos.1 and 2. The said Gutkha was purchased from the applicant and other accused. There is prima facie case against the applicant. Custodial interrogation of the applicant is required to inquire with source of Gutkha. Hence it is requested to reject the application.

6. I have heard both the learned counsel. Perused the FIR and police papers produced on record.

7. Gutkha has been seized from the possession of accused nos.1 and 2. They have been released on anticipatory bail by this Court. It is

alleged that accused nos.1 and 2 have purchased the said Gutkha

3

894.2024ABA.odt

from applicant. As Gutkha is already seized, custodial interrogation of the applicant is not required. Considering the above, 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.115 of 2024 registered with Renapur Police Station, Tq. Renapur, Dist.Latur, for the offences punishable under sections 328, 188, 272, 273 of the Indian Penal Code and under section 59 of the Food Safety and Standards Act, the applicant be released on executing personal bond in the sum of Rs.20,000/- 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.] sga