

# Shaikh Tousib Bilal vs The State Of Maharashtra And Another on 26 August, 2024

2024:BHC-AUG:19287

1

46-ABA-1272-24.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1272 OF 2024

SHAIKH TOUSIB BILAL  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for Applicant : Mr. Sartaj Khan H. Pathan  
APP for Respondents : Ms. P. V. Diggikar  
...

CORAM : S. G. MEHARE, J.  
DATE : 26-08-2024

PER COURT :-

1. Heard the learned for the applicant and the learned A.P.P. for the respondents.
2. The applicant seeks pre-arrest bail in Crime No.I-177 of 2024 registered with Begumpura Police Station, Aurangabad, for the offences punishable under Sections 328, 272, 273, 188 of the Indian Penal Code and Sections 26(1), 26(2)(iv), 30(2)(a), 59 of the Food Safety and Standards Act, 2006.
3. The crime was registered, after intercepting the vehicle. The police found scented Gutka in the vehicle. It was prohibited to transport and sell in the State of Maharashtra. The co-accused gave the information to the police that the so-called seized scented gutka was purchased from the applicant. However, he did not inform the police about the details of the godown, etc. of the applicant. The police visited the address given by the co-accused,

but the applicant was not there.

2

The police have a suspicion

46-ABA-1272-24.odt

against the applicant on the basis of the statement by co-accused.

Except this, there is no direct evidence against the applicant. The issue of application of Section 328 of the Indian Penal Code in many cases, whether it would attract in the cases of selling and transporting the scented gutka, is seized with the Hon'ble Supreme Court.

4. Be that as it may, nothing is to be recovered from the applicant. His custodial interrogation would serve no purpose. His antecedents of identical offences may not be a ground to refuse the bail. On certain conditions, the application may be allowed.

Hence, the order :-

#### ORDER

i) The anticipatory bail application is allowed

ii) In the event of arrest, applicant - Shaikh Tousib Bilal be released on bail, on executing PB and SB of Rs.50,000/- with one solvent surety of like amount, in the above crime for the aforesaid offences, on the conditions that he should appear before the Investigating Officer on 29.08.2024, 30.08.2024 and 01.09.2024 between 10.00 a.m. and 2.00 p.m. for the purpose of investigation and co-operate with the investigation.

( S. G. MEHARE, J. ) rrd