

# Nisar Gafar Basti vs The State Of Maharashtra on 4 September, 2024

**Author: Shivkumar Dige**

**Bench: Shivkumar Dige**

2024:BHC-AUG:20812

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.  
972 ANTICIPATORY BAIL APPLICATION NO. 1281 OF 2024

NISAR GAFAR BASTI  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kunte Sachin D.  
APP for Respondent/State : Mrs.D.S. Jape

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CORAM : SHIVKUMAR DIGE, J.  
DATE : 4th September, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.378 of 2024 registered with the Police Station, Ahmedpur, Tq.Ahmedpur, Dist. Latur, for the offences punishable under sections 188, 272, 273, 328 read with 34 of the Indian Penal Code (For short, "IPC") and section 59 of the Food Safety and Standards Act, 2006.
2. It is prosecution's case that the applicant runs grocery shop by name Best Confectionary in Ahmedpur. On secret information, the police conducted raid on his shop and found contraband i.e. Gutka of Rs.12,000/- from his shop. The applicant is owner of the said shop.
3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The contraband is

already seized from the shop of the applicant. The applicant has no criminal antecedents. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required and requested to allow the application.

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4. It is contention of the learned APP that the applicant is owner of the shop from where Gutka has been seized. Selling of Gutka is prohibited in the State of Maharashtra. Considering the allegations against the applicant, the custodial interrogation of the applicant is required and requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The allegations against the applicant are that the applicant is owner of the shop from where the Gutka has been seized. The police has already seized the Gutka. The applicant has no criminal antecedents. As the Gutka is already seized, hence the custodial interrogation of the applicant is not required and 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.378 of 2024 registered with the Police Station, Ahmedpur, Tq.Ahmedpur, Dist. Latur, for the offences punishable under sections 188, 272, 273, 328 read with 34 of the Indian Penal Code and section 59 of the Food Safety and Standards Act, 2006, the applicant be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-

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

[ SHIVKUMAR DIGE, J. ] sga