

Amarshiha Ramjilal Yadav vs The State Of Maharashtra on 8 November, 2023

Author: M. S. Karnik

Bench: M. S. Karnik

2023:BHC-AS:34254

Darshan Patil

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3518 OF 2023

AMARSHIHA RAMJILAL YADAV	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Rajas Naik for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
PSI Amol Chindhe, Manor Poice Station, Palghar.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 08, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 328, 188, 272, 273 read with 34 of the Indian Penal Code and Sections 26(2)(i), 27(1)(c), 3(1)(z)(z)(i), 26(2)(4) and 30(2)(a) of Food Safety and Standard Act and Rules 2006 registered on 10/09/2023 vide C.R. No.277 of 2023 with Manor Police Station, Palghar.

3. It is the case of the prosecution that on 09/09/2023,

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the informant who is a Food and Drug Inspector received secret information that Ashok Leyland vehicle bearing No. MH-55/AB 5033 is standing on the Mumbai-Ahmedabad Highway at Chellar Phata, Manor containing contraband articles. On search of the said vehicle, the muddemal i.e. Pan Masala, Jafrani Jarda, Gutkha and Tobacco total worth Rs.94,16,160/- was found. The contraband has been recovered. The applicant was the driver of the vehicle. The goods did not belong to him.

4. All the other Sections except Section 328 of the IPC are bailable. The issue of whether the purchase, sale or transportation of such contraband is covered by Section 328 of the IPC is pending consideration before the Hon'ble Supreme Court. There are no criminal antecedents reported against the applicant. In the facts and circumstances of the case, further custody of the applicant is not necessary, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

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(b) The applicant- Amarshiha Ramjilal Yadav in

connection with C.R. No.277 of 2023 registered with Manor Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is disposed of.

(M. S. KARNIK, J.)