

Mansoor Ahmed Khan vs The Sr Police Inspector And Anr on 1 November, 2023

Author: M. S. Karnik

Bench: M. S. Karnik

2023:BHC-AS:33042

Darshan Patil

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3392 OF 2023

MANSOOR AHMED KHAN ..APPLICANT
VS.
THE SR. POLICE INSPECTOR AND ANR. ..RESPONDENTS

Adv. Mateen Shaikh a/w Adv. Arshad Shaikh a/w Adv.
Razique Shaikh a/w Adv. Muskan Shaikh for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 01, 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 and 34 of the Indian Penal Code (hereafter 'IPC' for short) and Sections 26(2)(i), 27(2)(e), 23(1), 26(2)(iv) and 30(2)(a) of the Food Safety and Standards Act, 2006, registered on 04/10/2023 vide C.R. No.155 of 2023 with Kasa Police

Station, Palghar.

3. The applicant is alleged to be the purchaser of tobacco

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and gutkha products, transportation and purchase of which is alleged to be an offence under Section 328 of IPC read with other provisions. Except for offence under Section 328 of IPC, all other offences are bailable. Accused Nos. 1 and 2 who were transporting the contraband in a Swift Desire car have been enlarged on bail by this Court.

4. Learned APP opposed the application.

5. The entire contraband has been recovered. The question whether Section 328 of IPC will apply to the alleged offence of the present nature is pending consideration before the Hon'ble Supreme Court. The applicant was arrested on 07/10/2023. No purpose will be served by prolonging the custody of the applicant. The applicant shall cooperate with the investigation. There are no criminal antecedents reported against the applicant.

Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Mansoor Ahmed Khan in connection with C.R. No.155 of 2023 registered with Kasa Police Station shall be released on bail on his furnishing P.R. Bond Darshan Patil 930-ba-3392-23.doc 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 attend the Investigating Officer of Kasa police station till filing of the charge-sheet, twice a month, every first and third Monday of the month, between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

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

(h) The applicant shall cooperate with the investigation.

6. The application is disposed of.

(M. S. KARNIK, J.) Signed by: Darshan Patil Designation: PA To Honourable Judge Date: 01/11/2023 19:42:17