

Sharif Ahmed Shafiq Ahmed Alvi vs The State Of Maharashtra on 29 August, 2022

Author: Bharati Dangre

Bench: Bharati Dangre

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1647 OF 2022

Sharif Ahmed Shafi Ahmed Alvi .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Marmik Shah i/b Mr.Kushal Mor for the Applicant.
Ms.P.N.Dabholkar, A.P.P. for the State/Respondent.
PSI Chandrakant Poshirkar, attached to Centre Crime Branch,
Mira Bhayander-Vasai Police Station.

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CORAM: BHARATI DANGRE, J.

DATED : 29th AUGUST, 2022 P.C:-

1. Since there was no compliance of the order releasing the applicant on bail in the event of the arrest, interim protection came to be vacated by order dated 01/08/2022.
2. Learned A.P.P., on instructions of the Investigating Officer, states that he is unable to trace out the present applicant.
3. The applicant is alleged to be a businessman, running a kirana shop and he is accused of the offences punishable under Sections 188, 273 and 328 read with Section 34 of the IPC and Sections 26(2)(ii)(iv) and 30-2(a) of the Food Safety and Standards Act.

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4. The information was received by a Police Hawaldar attached to Mira-Bhayander Police Station that a rickshaw is carrying the banned substances i.e. Gutka, Paan Masala, Fragrant Tobacco, Supari Mishri for the purpose of sale and accordingly a trap was laid. A white colour bag was found in the rear part of the rickshaw and on a search being carried out, it was found to contain the banned substance.

The person, who was transporting the goods, disclosed his name as Ramchandra Jagmohan Chaurasia. On a search being carried out, his mobile phone and cash amount of Rs.22,800/- was recovered. The cash and goods worth Rs.1,92,000/- were seized.

The arrested accused led to the present applicant, as he stated that he had procured the Gutka/products from the present applicant and he was on his way to deliver the goods at Navghar. The total value of the goods was found to be Rs.1,69,200/-.

5. During the course of investigation, son of the applicant came to be arrested and goods worth Rs.15,00,000/- came to be seized from him. One Mohit Kewat was also arrested and goods in form of banned substances worth Rs.30,00,000/- were seized from him.

As far as the statement of the son of the applicant is concerned, he has clearly stated that it is his father, who was involved in activity of sale of prohibited/banned substance, though the prohibition order was in operation in the city of Maharashtra. When police had visited his place, on M.M.Salgaonkar 3/3 4 ABA-1647-22.doc instructions from his father, he led to the prohibited substances, which were recovered.

6. The applicant is the main conspirator, who is a supplier of the banned substances and the goods were supplied to Ramchandra Chaurasia, who was caught red handed by the police and he was arrested. According to his son, his father had switched off his mobile phone and he came to be arrested.

7. Since the search has led to recovery of huge iuantity of banned substances and according to the son of the applicant, who is a co-accused, the applicant is the main kingpin of supply of the prohibited substance, his custodial interrogation is very much necessary.

The application is, therefore, rejected.

(SMT. BHARATI DANGRE, J.) M.M.Salgaonkar