

MHPA010020222026.



ORDER BELOW EXHIBIT NO. 01 IN
CRIMINAL BAIL APPLICATION NO. 683/2026
Syed Mushtaq Syed Issak and another Vs. State
[Passed on 03th August, 2026]

Accused – applicant Syed Mushtaq Syed Issak and Syed Umar Syed Issak have filed this bail application under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Cr.No.349/2026 registered at Police Station Manwat, Tq. Manwat, Dist. Parbhani for offence punishable under Sections 123, 223, 274, 275 r.w.Sec.3(5) of Bhartiya Nyaya Sanhita, 2023.

02. The prosecution case, in short, is that informant Ranjit Bhagwanrao Agale PHC B.No.1085 lodged report to police station Manwat making allegations that on 21.07.2026 on receipt of secret information he along with other police staff went in front of Manwat Railway Station. He seized prohibited Gutka worth of Rs.13,398/- from Syed Mustaq Syed Issak and Syed Umar Syed Issak. It was seized before panchas. On asking they stated that they purchased the said Gutkha from Mosin R/o. Nizamabad (Telangana). On the aforesaid report the above crime came to be registered against the accused for the aforesaid offences.

03. It is contention of the accused that they have not committed any kind of offence. They have falsely involved in the present crime. They were arrested on 22.07.2026 and remanded to MCR on 23.07.2026. Investigation is completed. The I.O. has seized contraband articles. Therefore further custody of the accused is not

required. The sections levelled against the accused do not attracted. They have no any criminal antecedent. They reside within jurisdiction of the Court. They are ready to abide conditions imposed by the Court. They were not administering any poisonous substance to anybody. The offences are not punishable for life imprisonment or death penalty. They prayed to release them on regular bail.

04. Resisting the application, Ld. APP Mr. Giram in his say Exh.4 has submitted that the accused found in possession of prohibited pan masala Gutkha. The accused has not disclosed that from whom he purchased the Gutkha. If the accused are released they will again commit such type of offence in future. He prayed to reject the application.

05. I have heard Ld. Adv. for the accused and Ld. APP for the State. Perused the record.

06. Ld. Adv. for the accused has argued as per the contents of bail application. On the other hand, Ld. APP has argued that if the accused are released they will commit such type of offence in future. He argued to reject the application.

07. The accused are in custody since 22.07.2026. The offence are not punishable for life imprisonment or death penalty as the accused was not found administering poisonous substance to any person. Bail is rule and jail is exception. The accused reside within jurisdiction of the Court, therefore, it appears that they will not abscond. No purpose will be served by keeping the accused behind

bars till decision of the case. In view of the aforesaid reasons, the accused is entitled to release on regular bail. In the result I pass the following order.

Order

1	The application is allowed.
2	Accused-applicant Syed Mushtaq Syed Issak and Syed Umar Syed Issak be released on bail on his executing PR.bond of Rs.25,000/- each with surety in the like amount in crime No.349/2026 registered at Police Station Manwat, Tq. Manwat, Dist. Parbhani for offence punishable under Sections 123, 223, 274, 275 r.w.Sec.3(5) of Bhartiya Nyaya Sanhita, 2023 , on following conditions.
3	The accused-applicants shall not hamper or tamper with the prosecution evidence and shall not pressurize to the witnesses.
4	The accused-applicants shall attend the concerned police station during 10.00 a.m. to 01.00 p.m. on every Sunday for one month if called by I.O.
5	The accused-applicants shall attend the trial after filing of charge-sheet regularly on every date without reasonable excuse.
6	The accused-applicants shall furnish their residential address at the time of execution of bond and shall not change their residence without prior permission of the Court.
7	Soft copy of this Order be sent to the accused-applicants through concerned Jail Superintendent.
8	Inform to concern police station accordingly.
9	Bail before remand Court.

Date: 03.08.2026.

(Gautam G. Bharne)
Additional Sessions Judge, Parbhani.