



**Anand Jaiswar Lal Bahaddur
and Ganesh Shankar Kottawar**

Vs.

State of Maharashtra

ORDER BELOW EXH-1

1. This bail application is filed under Section-483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'BNSS') by applicants/accused to enlarge him on bail. He is arrested in Crime No.I- 12/2026 of Railway Police Station for the offence punishable under Sections- 123, 223, 274, 275, 3(5) of Bharatiya Nyaya Sanhita, 2023. Applicant No.1 is arrested on 01.03.2026 and applicant No.2 is arrested on 03.03.2026. After PCR both are in MCR.

2. The prosecution's case as revealed from FIR is that on 01.03.2026 at about 2.00 p.m. approximately 20 minutes after departing from Belapur Railway Station, applicant No.1 Anand Jayswar Lalbahadur was found transporting flavoured tobacco, the sale of which is prohibited in the State of Maharashtra. Despite being aware that the said substance is injurious to health and likely to cause bodily harm, he was found carrying it with the intention of selling and supplying it for consumption as an intoxicating substance, and was apprehended while transporting the same. During the investigation, the role of applicant No.2/accused was also revealed. Hence, both accused were arrested.

3- Learned advocate for the applicants/accused submitted that applicants/accused have no way concerned with the alleged crime. There is no direct or indirect evidence against applicants. No

specific role has been attributed to present applicants. There is nothing to recover or discover from the applicants/accused. They are ready and willing to abide any conditions which will be imposed on them. Hence, prayed for allowing the application.

4- Learned APP has resisted the application by filing say (Exh.05) and submitted that the accused have committed serious crime. Some of the accused still absconding. The articles are seized. If applicants/accused are released on bail, they will hamper and tamper with prosecution evidence. Hence, application be rejected.

5- In the case of **Shafik Yasin Tamboli...Vs..the State of Maharashtra, in Anticipatory Bail Application No. 1670 of 2024 date of decision 14.11.2024**. The Hon'ble High Court of Bombay, Bench at Aurangabad has granted anticipatory bail. In that case, it was observed by the Hon'ble High Court that the Hon'ble Supreme court has doubted the applicability of Section 328 of IPC corresponding section 123 of BNS, in such sets of cases. As far as other sections are concerned, the punishment is less than seven years. For sufficient times applicants/accused are in jail. Muddemal already recovered. The investigation is on verge of completion. Hence, following order.

ORDER

1. Cri. Bail Application No.412/2026 is allowed.
2. Applicants/accused **Anand Jaiswar Lal Bahaddur and Ganesh Shankar Kottawar** be released on bail on furnishing P.B. & S.B. of Rs. 15,000/- (Rupees Fifteen Thousand only) each with one or two sureties on following conditions :

- (i) The applicants/accused 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 them from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.
- (ii) The applicants/accused shall not commit similar offence.
- (iii) The applicants/accused shall co-operate the police in investigation as and when called.

Date : 23.03.2026
Place : Ahmednagar.

(M. S. Lone)
Additional Sessions Judge,
Ahmednagar JO Code-MH00920