

MHGA010003012026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, GADCHIROLI
(Presided over by Shri Pravin V. Chatur)

Criminal Bail Application No.71/2026

1]Gopal Hariram Nimbekar

Aged 39 years, Occu. Grocery

R/o. Deolgaon, Tah. Armori

Dist- Gadchiroli

2]Yashwant Vitthal Harshe

Aged 40 years, Occu. Labour

R/o. Nawargaon,

Tah. & Dist- Gadchiroli

.. **Applicants**

-versus-

State of Maharashtra

Through P.S.O. P.S. Armori

Tah. Armori Dist. Gadchiroli

.. **Non-applicant**

Order Below Exh.2

(Passed on : 23rd April, 2026)

1] The applicants/accused have prayed for interim protection from arrest.

2] As per the FIR, on receipt of secret information, the informant along with the raiding party conducted a raid on the applicants/accused. During the raid, he was found in possession of scented tobacco and other muddemal articles in contravention of the

provisions of Sections 26(2)(i), 26(2)(iv), 27(3)(e)3(1),(zz),(iv),59(i) of the Food Safety and Standards Act, 2006 and Section 123 of the Bharatiya Nyaya Sanhita. Samples were collected from the seized muddemal property and sent for chemical analysis. After receipt of the C.A. Report, the same will be supplied to the accused. But the FIR was lodged on the same day.

3] Nothing remains to be seized from the applicants/accused. However, as their names are mentioned in the FIR, they apprehends arrest. They are permanent resident of the given address and are the sole earning member of their family. They will not abscond and are ready to abide by all terms and conditions imposed by the Court. Hence, prayer is made for interim protection.

4] I have heard the learned counsel for the applicants/accused and perused the documents and the FIR.

5] Learned counsel for the applicants relied upon the judgment of the Hon'ble High Court of Judicature at Bombay in ***Anand Ramdhani Chaurasia vs. The State of Maharashtra & Ors.***, Criminal Writ Petition No. 3607 of 2019, decided on 13.09.2019, and ***J. Ratnesh Nagar vs. The State of Maharashtra***, Anticipatory Bail Application No. 1588 of 2022, decided on 22.06.2022.

6] Both these judgments pertain to offences including the offence punishable under Section 328 of IPC, which is analogous to Section 123 of the Bharatiya Nyaya Sanhita. Therefore, the said judgments are applicable to the present case. The precedent establishes that mere storage of prohibited material cannot be considered as an attempt to commit an offence under Section 328 IPC (corresponding to Section 123 BNS). Nothing remains to be seized from the accused, though his name is mentioned in the FIR, giving rise to apprehension of arrest. He

is a permanent resident of the given address, not at risk of absconding, and is willing to abide by all terms and conditions imposed by the Court. In the circumstances, this is a fit case to exercise discretion in favour of granting interim protection to the applicants/accused. Accordingly, the application deserves to be allowed. Hence, order:

ORDER

1. Application Exh.2 is hereby allowed.
2. In the event of arrest, in respect of FIR No. 119/2026, registered with Police Station, Armori, the applicants/accused shall be released on bail on personal bond and surety bond of Rs. 25,000/-each subject to the following conditions:
 - The applicants/accused shall co-operate with the investigation as and when called upon by the Investigating Officer.
 - The applicants/accused shall visit the concerned Police Station every Monday until further order of this Court.
3. The applicants/accused shall not misuse the liberty granted to them and shall not tamper with the evidence.
4. Inform the concerned Police Station about this order.

(Pronounced in open court.)

Gadchiroli
23rd April, 2026

(Pravin V. Chatur)
Additional Sessions Judge,
Gadchiroli

- 1) Dictated & typed on: 20.04.2026
- 2) Checked & signed by P. O. on: 20.04.2026