



CNR: MHLA010007072026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-1, LATUR
(Presided over by: Mr. Rahul R. Bhosale)

Cri.(Bail) Appln.No. 113/2026

Imran s/o. Musa @ Isak Pathan

.. Applicant

Versus

The State of Maharashtra,
Through: P.I., Police Station
Vivekanand Chowk, Latur.

.. Respondent

Ld. Advocates

Mr. P.B. Bhise for Applicant.

Mr. S. V. Deshpande, P.P. for Respondent.

ORDER BELOW EXHIBIT NO. 1

1. The applicant has presented this application for grant of bail under Section 482 of the B.N.S.S. in connection with Crime No.145/2026 Vivekanand Chowk police station, Dist.Latur of the offence punishable under Section 123,223, 274, 275 of B.N.S.

2. **Brief facts of the prosecution are as under:**

The informant alongwith the police team on 23.12.2025 while on duty at Saniya Primary Urdu School, Karim Nagar, Latur received secret information about person possessing and selling

prohibited contrabands- Gutkha in his house situated at Karim Nagar, Latur. Police alongwith panchas effected raid at the said house, wherein they found prohibited contraband- Gutkha. Police made inquiry with a lady present there, on which she stated the house belongs to the applicant and he is not present in the house. On search of the said house police found prohibited contraband- Gutkha worth Rs. 69,485/-. The police lodged FIR and now the investigation is in progress.

3. In aforementioned backdrop, the applicant has prayed for grant of bail materially on the grounds that he is innocent and falsely implicated in the present crime by the police. The alleged contrabands were seized and the investigation uptill now is almost completed. Hence his custodial interrogation is not necessary. All the offences except offence U/s. 123 are bailable. Therefore, the present applicant is entitled for grant of bail. He is ready to abide with the terms and conditions of the proposed bail.

4. The I.O. and APP. have presented their common reply vide Ext.6 materially on the ground that the applicant will not cooperate investigation if gets bail. The huge quantity of contrabands is seized from the house of applicant. He will also interfere into the on-going investigation and will also flee away from the justice. He will also commit the offence of like nature if he is released on bail. The application may therefore be rejected.

5. I have heard arguments of Adv. P.B. Bhise for the applicant and Ld. P.P. Mr. S.V. Deshpande for the State. They have reiterated the aforementioned respective cases. Thus, after

perusing the record, the points arise for determination are answered for the reasons as under:

POINTS		FINDINGS
1)	Whether the applicant is entitled for grant of bail under Section 482 of BNSS ?	Yes.
2)	What is order ?	As per final order.

R E A S O N S

POINT NO. 1 :

6. As per the case of prosecution the prohibited contrabands is seized from the house of accused. At this stage even the proof of existence of any such incidental spot is not proved by the prosecution. The crime under Section 123 of BNS will be attracted only if the prosecution succeeds to prove possession of present applicant. Therefore prima facie involvement of the applicant in non-bailable crime is not evident at this stage. The record reveals that prohibited articles were recovered from the house of applicant by the police team. The applicant's relation with the alleged seizure of the contrabands is not established at this stage on record. Therefore again at the outset, possession of the present applicant with the said contrabands is not enlightened which would make involvement of the present applicant an offence under S. 123 of BNS as doubtful. The only apprehension of the prosecution is that after release, the applicant will interfere into ongoing investigation, pressurize the prosecution witnesses. Imposing certain conditions will take care

of the said apprehension of prosecution. The applicant is ready to abide with the terms and conditions of the proposed bail. Even in that situation, the applicant can be directed to obey certain conditions.

7. The Hon'ble Apex Court in the case of **Ek Nath Patil Vs. State of Maharashtra SLP (Cri) No.8698/2023** dated 28.07.2023, held that in cases of possession of the prohibited contraband, applicability of S. 328 IPC (123 BNS) is doubtful. Therefore the Hon'ble Apex Court granted bail to the accused in that case.

This decision can be made applicable to the present set of facts. Thus, the applicant is entitled for grant of bail. Hence, I answer **point no.1** in the affirmative.

POINT NO. 2 :

8. The applicant has succeeded to prove the present application. Hence, I pass the following order:

ORDER

- 1) The application is allowed.
- 2) In the event of arrest the applicant- **Imran s/o. Musa @ Isak Pathan** be released on bail on executing the PR bond of Rs.30,000/- (Rs. Thirty Thousand only) with surety of like amount in connection with Crime No. 145/2026 Vivekanand Chowk police station, Dist.Latur of the offence punishable under Section 123,223, 274, 275 of B.N.S.
- 3) The applicant shall submit a list of atleast three blood relatives with respective mobile phone numbers and detailed residential addresses and also addresses of their place of work, as per Criminal Manual Chapter-I,

Para 12(1).

- 4) The applicant shall attend the Court dates regularly and participate to conduct the proceeding of the case regularly on each and every stage.
- 5) Breach of any of these conditions will be the ground for cancellations of bail.
- 6) Inform the concerned police station accordingly.

Date : 13.03.2026.

(R.R. Bhosale)
Additional Sessions Judge-1,
Latur.

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".

(H. R. Shinde)
Stenographer (Grade-1)
NAME OF STENOGRAPHER

Name of the Judge(With Court Room No.) : Shri R. R. Bhosale, Additional Sessions Judge, Latur.

Date for pronouncement of Judgment/Order: 13.03.2026

Judgment/Order signed by P.O. on: 25.03.2026