

MHLA010014742026



Criminal Bail Application No.
330/2026
Arbaz Lalu Bagwan Vs State Of
Maharashtra

(A) Case Details

FIR Number & Date	266/2026 dtd. 07/06/2026
Police Station, District & State	Police Station Shivaji Nagar, Latur
	Dist. Latur, State -Maharashtra
Sections invoked	Under Ss. 123, 223, 275 of B.N.S.
Maximum punishment prescribed	123 - imprisonment of 10 years
	223 - imprisonment for 6 months
	275 - imprisonment for 6 months

(B) Custody & Procedural Compliance

Date of Arrest	07/06/2026
Total period of custody undergone	04 days

(C) Status of Trial

Stage of proceedings	Investigation
(Investigation/ charge sheet/ cognizance/ framing of charges/ trial	
Total Number of witnesses cited in the charge-sheet	N.A.
Number of prosecution witnesses examined	N.A.

(D) Criminal Antecedents

FIR No. and Police Station	Nil
Sections	Nil
Status (Pending / Acquitted / Convicted)	Nil

(E) Previous Bail Applications

Court	Nil
Case No.	Nil
Outcome of case	Nil

(F) Coercive Processes

Whether any Non-Bailable	Nil
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warrant was issued
Whether declared a proclaimed Nil
offender

ORDER BELOW EXH.1

The applicant has filed application for grant of regular bail under Section 483 of the B.N.S.S. in connection with Crime No.266/2026 registered with Police Station, Shivaji Nagar, Latur for the offence punishable under Sections 123, 223, 275 of B.N.S.

2. According to advocate of applicant, the applicant has not committed alleged offence. He has been falsely implicated in the given crime. Contraband worth Rs.27,840/- has been seized from him. There are no allegations that he was administering any poisonous substance to anybody. Prima facie there is no evidence to show that the contraband contained poisonous substance so as to attract offence under Section 123 of B.N.S.. This is the first offence of applicant.

3. Further according to advocate for applicant necessary part of investigation is complete. Applicant is not required for the purpose of investigation. Nothing is to be seized or recovered from his possession. The alleged offence against him is not punishable with death. He is not a previous convict. He is local resident of District Latur. He is ready to abide by all terms and conditions if bail is granted to him. He is also ready to co-operate in further investigation. Hence, his advocate prayed that the applicant be granted bail.

4. Present application has been strongly opposed by A.G.P. and I.O. on the ground that the offences alleged against applicant are serious. He is directly named in the FIR. Contraband was seized from possession of accused. There is prima facie evidence against applicant

regarding commission of alleged crime which rules out possibility of false implication. If bail is granted to applicant, there is likelihood that further offence may be committed. Investigation is at initial stage. If the bail is granted to applicant, there is possibility of his absconding. Hence, they prayed for rejection of bail at this stage.

5. Heard both sides. Perused the investigation papers. The offence registered against the applicant are serious. Tobacco products and pan masala which is prohibited in State of Maharashtra is alleged to be seized from possession of co-accused. However, the FIR does not reveal that the applicant was found administering the contraband to any person. The contraband is manufactured by concerned companies. There is nothing on record to hold that the seized contraband contained poisonous substance. Other than offence under Section 123 of B.N.S., other offences are bailable. **The Hon'ble Bombay High Court in Gaurav Jayantbhai Hapani Vs. The State of Maharashtra (Anticipatory Bail application No.3406 of 2022) and also the Hon'ble Supreme Court of India in the case of Eknath Bhalchandra Patil Vs. The State of Maharashtra (Special Leave to Appeal (Cri.) No.8698 of 2023),** observed that applicability of Section 328 of the Indian Penal Code (123 of the Bharatiya Nyaya Sanhita) is doubtful in the case of seizure of tobacco and tobacco products including Gutkha and accordingly, in those cases the Anticipatory Bail has been granted.

6. **Hon'ble Bombay High Court in Anand Ramdhani Chaurasia and others Vs. State of Maharashtra and others in Criminal Writ Petition No.3607 of 2019 decided on 13.09.2019 held that,** mere storage of gutka and pan masala, without any further

action and on contemplation that it would be sold in market, cannot be construed as attempt to commit offence. **In Chetan Vs. The State of Maharashtra in Anticipatory Bail Application No.3193 of 2025 decided on 20.11.2025** the Hon'ble Bombay High Court was pleased to grant anticipatory bail in similar matter.

7. The contraband had already been seized from applicant. Nothing more is to be seized or recovered from possession of applicant. He is in judicial custody. He appears to be local resident of Latur. He is ready to abide by all terms and conditions subject to which the bail is granted to him. The filing of charge-sheet and commencement of trial will take time. There are no justified grounds for rejection of this application.

8. There are no criminal antecedents against the applicant. Hence, in view of reasons discussed in para no.5 to instant para, I am of a considered opinion that applicant is entitled for being released on bail. Hence, the following order :

ORDER

- 1) This application is allowed.
- 2) The applicant Arbaz Lalu Bagwan be released on bail on executing the PR bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two surety of like amount in Crime No.266/2026 registered with Police Station, Shivaji Nagar, Latur for the offence punishable under Sections 123, 223, 275 of B.N.S.
- 3) He shall co-operate with the investigation. He

shall remain present before the investigation officer for the purpose of investigation as and when called till filing of charge-sheet.

- 4) The applicant shall submit a list of at least 02 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).
- 5) The applicant shall attend the Court dates regularly and participate to conduct the proceeding of the case regularly on each and every stage.
- 6) The applicant shall not deal in any manner with Gutkha, pan masala and other banned tobacco products in future.
- 7) Breach of any of these conditions will be the ground for cancellations of bail.
- 8) Bail before concerned Magistrate.
- 9) Copy of this order be forwarded to Jail Superintendent, Latur through E-mail.

sd/-

(R.B. Bhagwat)

Additional Sessions Judge-2,
Latur.

Date : 11/06/2026