

MHND010013382026



IN THE COURT OF SESSIONS, AT NANDED
DIST. NANDED.

ANTICIPATORY BAIL APPLICATION NO. 468 OF 2026
(CNR NO.MHND010013382026)
IN
(CR NO. 181/2026 of Shivaji Nagar Police Station)

Shaikh Mohsin s/o Shaikh Rasool

Age : 36 years Occu: Business

R/o. Farookh Nagar, Nanded

...Applicant

V/s.

The State of Maharashtra

(At the instance of Shivaji Nagar Police
Station)

...Respondent

Appearance :-

Ld. Advocate Mr. Shaikh Amer B. for applicant / accused

Ld. APP Mr. Y.S Talegaonkar for State.

CORAM : ADDL. SESSIONS JUDGE-1, NANDED
SHRI. T.T. AGLAWE,

:- ORDER :-
(Date :-10-06-2026)

Apprehending his arrest in Crime No. 181 of 2026, registered with Shivaji Nagar Police Station for the offences punishable under Sections 123, 223, 274, 275, 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNS') and Sections 26, 27, 30(2a) of the Food and Safety and Standards Act, 2006, the applicant has filed

the present application for pre-arrest bail under Section 482 of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNS').

2. Perused application and reply of Investigating Officer below Exh. 06.

3. Heard Learned advocate for the applicant and learned APP for the State.

4. The case against applicant is that, he is owner of M/s. Sailani Pan Shop and Cold Drinks. On 29-04-2026 the Food Safety Officers found prohibited flavored tobacco and Gutkha worth Rs. 2442/- in the establishment of the applicant which was available there for sale.

5. The learned Advocate for the applicant submitted that he has let out the premises on rent. The person found in possession of a prohibited articles is released on regular bail. Nothing is seized from him. Whether section 123 of the Bhartiya Nyaya Sanhita is applicable in these facts is a question which is pending before the Hon'ble Supreme Court. The applicant is ready to abide by all the terms and conditions.

6. Ld. APP has strongly opposed the application stating that the applicant is owner of establishment. The seized articles / goods were kept there by applicant himself. The accused arrested is a servant of the applicant. The custodial interrogation of the applicant is necessary regarding the place wherefrom prohibited articles were

procured.

7. Admittedly, the issue regarding the applicability of section 328 of the Indian Penal Code (now Section 123 of BNS) is pending before the Hon'ble Supreme Court. All the alleged prohibited articles / goods are seized from the spot. Now nothing more is to be recovered or seized. In these circumstances, custodial interrogation of the applicant may not be necessary. The grounds opposing the bail can be addressed by imposing suitable conditions. The case is made out to exercise discretion in favour of the applicant. Hence, following order is passed :-

ORDER

1. In the event of the arrest of applicant by name **Shaikh Mohsin s/o Shaikh Rasool**, be released on bail on his executing P.R. Bond of **Rs.25,000/-** with solvent surety in the like amount, on following conditions:
 - i) Applicant shall attend the I.O on 12-06-2026 in between 10.00 am to 2.00 pm and thereafter as and when called by the I.O under written intimation till filing of the charge-sheet or till 60 days from today, whichever is earlier.
 - ii) Applicant shall co-operate the investigation.
 - iii) Applicant accused shall not commit similar or any other offence.
2. Inform the concerned Police Station accordingly.
Dictated and Pronounced in Open Court.

Date : 10.06.2026

(T.T. Aglawe)
Addl. Sessions Judge-1,
Nanded.

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of stenographer	Y.S. Kausadikar, Grade-1
Name of Court	Addl. Sessions Court-1, Kandhar
Date of Dictation	10.06.2026

Order signed by the P.O on	10.06.2026
Order uploaded on	10.06.2026

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