

MHRG170010082026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD
ORDER BELOW EXHIBIT 1 IN BAIL APPLICATION NO.514/2026
(Dated 10/06/2026)

The applicant Nihal Shoukin Khan has filed present application for regular bail under section 483 of BNSS, 2023 in C.R.No.13/2026 registered with Matheran Police Station for the offences p/u/secs.223, 274, 275, 123, 3(5) of Bhartiya Nyay Sanhita, 2023 and section 26, 26(1), 26(2)(ii), 26(2)(iv), 27(3) (d), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

2. In short the prosecution case is that informant Prashant Shinde, Officer, Food and Drug Administration raided the shop of applicant. Applicant was found in possession of Vimal pan masala, scented tobacco and other prohibited food articles worth Rs.2,152/-. The informant and his associates seized the entire prohibited articles and thereafter informant lodged detailed report with Matheran Police Station. On the basis of report so lodged by informant, an offence came to be registered vide C.R.No.13/2026 under above mentioned sections.

3. Heard Ld. Adv. Shri Devang Thakkar for the applicant and Ld. APP Shri Y. S. Bhopi for the opponent State. Perused application and say filed by opponent State at Exh.4.

4. Ldv. Adv.Shri Thakkar vehemently argued that, the applicant is innocent. He has nothing to do with the crime in question. The applicant is not a manufacturer of alleged prohibited food articles. There is no report of chemical analyzer to show that seized muddemal is containing any poisonous substance. Shri Thakkar, further argued that, the investigating agency has already seized the entire muddemal articles. The investigation is practically completed. In such circumstances, his further detention in jail is not required. The applicant is ready to abide by the terms and conditions which may be imposed by the court. Hence, Shri Thakkar prayed that the applicant be released on bail.

5. Per contra, Ld.APP Shri Bhopi submitted that, the offence is serious and antisocial. Prohibited articles has been seized at the instance of applicant. The investigation is in progress. Considering aforesaid circumstances and role attributed to applicant, if he is released on bail, definitely he will indulge again in similar kind of offence. Hence, it is prayed by Shri. Bhopi that, the application be rejected.

6. After giving thoughtful consideration to the submissions advanced by both Ld. Advocates, I have gone through the

material placed on record. On appraisal of papers it appears that the applicant was found in possession of prohibited food articles. Admittedly police have seized entire prohibited food articles at the instance of applicant. It is pertinent to note that applicant is not manufacturer of seized food articles. Likewise, he did not administer any poisonous or stupefying substance to anyone. The applicant is languishing in the jail since 04/06/2026. Substantial part of the investigation must have completed. Considering aforesaid aspects and role attributed to applicant, in my view his further detention in jail is not warranted. So far as the apprehension raised by learned APP is concerned, it can be taken care by imposing certain conditions upon the applicant. Resultantly, I pass the following order.

ORDER

1. The application is allowed.
2. The applicant Nihal Shoukin Khan shall be released on bail in C.R.No.13/2026 registered with Matheran Police Station for the offences p/ u/secs.223, 274, 275, 123, 3(5) of Bhartiya Nyay Sanhita, 2023 and section 26, 26(1), 26(2)(ii), 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006 on his executing PR Bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of Ld. Lower Court.
3. The applicant shall attend Matheran Police Station on every Sunday between 12.00 noon and 3.00 pm till the filing of charge-sheet.

4. Applicant shall not directly or indirectly make any inducement, threat and promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or nay police officer.
5. Bail before Ld. Lower Court.
6. Copy of order be sent to jail authority by E-mail.

Panvel

Date :-10/06/2026.

(S. R. Ugale)

Additional Sessions Judge,
Panvel-Raigad

CERTIFICATE

I affirm that, the contents of this P.D.F file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer	:	S.J. Sheth (Grade-1)
Name of the Court	:	District Court-1 & Additional
Sessions Court, Panvel		
Dictation given on (direct)	:	10/06/2026
Order signed by the		
Presiding Officer on	:	10/06/2026
Order uploaded on	:	10/06/2026