

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WARDHA.**Criminal Bail Application No.292/2026**
(CNR No.MHWR010011832026)**Sheikh Rajik Rahim Sheikh**

.. Applicant

..V/s..

The State of Maharashtra
Through Police Station, Deoli,
Distt. Wardha.

.. Non-applicant

Order below Exh.1(Passed on 11th August, 2026)

The present bail application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in Crime No.536/2026 for the offences punishable under Sections 123, 274, 275, 223 and 3(5) of BNS and Section 26(1), 26(2), (iv), 27(3) (e), 30(2) (a), 3 and 59 of the Food Safety and Standard Act,2006 registered at Police Station Deoli.

2] It is the case of the prosecution that the information was received to Food and Safety Officer that at Wardha-Yawatmal road at Nandori Fata Tah. Deoli, Dist. Wardha one person was carry the prohibited food material on his un-numbered Honda Unicorn bike. Accordingly, information was given to the police station and the police called two panchas and stopped the accused on inquiry, the accused disclosed his name as Sheikh Rahim Sheikh and on search of his vehicle in all 105 packets of pan masala wherein 5250 pouch were found as well as 63 packets of tobacco wherein 30 pouch were found. The material and the motor bike was seized from the accused and brought

on police station since the material found from the accused/applicant was prohibited by the State Government by his notification offences punishable under Sections 123, 274, 275, 223 and 3(5) of BNS and Section 26(1), 26(2), (iv), 27(3) (e), 30(2) (a), 3 and 59 of the Food Safety and Standard Act, 2006 came to be registered against accused. The accused is before the Court for bail.

3] According to the applicant, accused is not involved in this offence. Accused was not carrying the contraband article for the purpose of administration and therefore, offence u/s punishable under Sections 123, 274, 275, 223 and 3(5) of BNS and Section 26(1), 26(2), (iv), 27(3) (e), 30(2) (a), 3 and 59 of the Food Safety and Standard Act, 2006 is not attracted. It is also contended that investigation is completed, he be released on bail.

4] The application is opposed by the prosecution vide reply Exh.6. The only objection taken by the prosecution is that the additional evidence is to be collected. The applicant may cause injury to the informant and influence the panch and other witnesses is released on bail. It is also alleged that accused/applicant is resident of other State.

5] Perused the application heard learned counsel for the applicant and the learned A.P.P. It appears accused/applicant was arrested on the spot. Various pan masala packets and tobacco packets were seized from him which are prohibited by the State Government. However, to attract the Section under B.N.S. It is necessary for the prosecution that the material which was seized from the applicant was poisonous. Section 274 and 275 of B.N.S.S. requires adulteration of Food or drink of sale of noxious or drink. Similarly Section 223 requires

disobedience of the order duly promulgated at this juncture. It can not be said that the accused was intending to sale the poisonous substance. Moreover, investigation is completed and only charge-sheet remains to be filed. The accused in custody since more than one month. Trial will takes own time, reasons the objections given by the prosecution against the bail are not sustainable. Moreover, only because the accused is resident of other district can not be reason to reject the bail, particularly, when the investigation is over. The offence levelled against the accused does not carry the punishment of more than 7 years. Hence, The Order.

:: ORDER ::

- (i) Application is allowed.
- (ii) The applicant **Sheikh Rajik Rahim Sheikh** shall be released on bail on executing a Personal Bond of ₹ 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount, in Crime No.536/2026, for the offences punishable under Sections 123, 274, 275, 223 and 3(5) of BNS and Section 26(1), 26(2), (iv), 27(3) (e), 30(2) (a), 3 and 59 of the Food Safety and Standard Act,2006 registered at Police Station Deoli.
- (iii) The applicant is directed to attend Police Station Deoli as and when called by the Investigating Officer, till further orders.
- (iv) The applicant is further directed not to tamper with the evidence and not to influence the witnesses in any manner.
- (v) The case diary be returned to the Investigating Officer.

Date: 11.08.2026

(S.A.S.M. Ali)
Additional Sessions Judge,
Wardha.

CERTIFICATE

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

(Prashant L. Chaudhari)
Stenographer Gr.-3.