

MHND010019772026



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

ANTICIPATORY BAIL APPLICATION NO. 730 OF 2026

IN

(CR NO. 209/2026 of Itwara Police Station)

Sayyed Jamil Sayyed Jalil

Age : 31 years Occu: Business

R/o. Near New Masjid, Sidhanathpuri,
Itwara, Nanded.

...Applicant

V/s.

The State of Maharashtra

(At the instance of Itwara Police Station)

...Respondent

Appearance :-

Ld. Advocate Mr. Prashant Narwade for applicant.

Ld. APP Mr. Mohd. Abbas for State.

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

:- ORDER :-

(Date :-29-07-2026)

Apprehending his arrest in Crime No. 209 of 2026, registered with Itwara Police Station for the offences punishable under Sections 26(2)(iv), 27(3)(d)(e), 30(2)(a), 59 of the Food Safety and Standards Act alongwith sections 123, 223, 274, 275(5) of the Bhartiya Nyaya Sanhita, 2023 (in short "BNS"),

applicant has filed the present application for pre-arrest bail under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

2. Perused application and reply of Investigating Officer below Exh. 05.

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

4. The case of prosecution is that on 18.06.2026 at about 20.30 hrs, the Food and Safety Officer inspected Golden Jarda Store, Chauphala, Itwara, Dist. Nanded. The co-accused was found possessing prohibited Gutkha, Pan Masala and flavored Tobacco worth Rs.9,86,017/-. On inquiry, co-accused had made statement that he has purchased the seized prohibited material from present applicant.

5. Ld. Advocate for the applicant submits that the co-accused who was found in conscious possession of prohibited material is already released on regular bail. The applicant is noway concern with the offence. The statement of main accused is not admissible in evidence against the applicant. Nothing was found in possession of present applicant. In these circumstances, section 123 of the BNS is not applicable against the present applicant. Therefore, applicant be protected from arrest on any terms and conditions.

6. On the other hand, the Ld. APP has argued that prohibited Gutkha, Pan Masala and flavored Tobacco worth Rs. 9,86,000/- was seized and recovered. The applicant is owner of seized material. The applicant is involved in sale of prohibited Gutkha, Pan Masala and flavored Tobacco. The applicant is supplier of the prohibited material. The vehicle used by the applicant is to be seized and recovered. Apart from that, the investigation regarding the source where from the prohibited material is procured is pending. For that, custodial interrogation of the applicant is necessary. Ld. APP has relied on the order of the Hon'ble Parent High Court dated 08-02-2021 in **Sagar Sadashiv Kore Vs. State of Maharashtra** and the order of parent High Court dated 30-01-2024 **Mohd. Sadiq Adam Shaikh Vs. State of Maharashtra**. In both these authorities of similar offence, the Parent High Court has rejected the applications for anticipatory bail.

7. On the other hand, the Ld. Advocate for the applicant has relied on following orders :-

1. Order dated 13-01-2026 in **Dipen Arvind Gala Vs. State of Maharashtra** .
2. Order dated 13-01-2026 in **Siddheshwar Sudhakar Jadhav Vs. The State of Maharashtra**.
3. Order dated 03-02-2026 in **Sumit Durgaprasad Gupta Vs. The State of Maharashtra**.

7. In above three orders, the Hon'ble Parent High Court has granted anticipatory bail to the applicants apprehending arrest for

similar offences. In Siddheshwar, the Hon'ble High Court has relied on the order of Apex Court in **Eknath Bhalchandra Patil Vs. State of Maharashtra**.

8. The order relied upon by the Ld. APP is of 30-01-2024 whereas the orders relied upon by the Ld. Advocate for the applicant are dated 13-01-2026 and 03-02-2026.

9. Coming to present application, FIR nowhere states that the applicant was found in conscious possession of prohibited Gutkha, Pan Masala and flavored Tobacco. Rather as per FIR, co-accused Shaikh Samad, the owner of the establishment, was found in conscious possession of the contraband articles. FIR further states that the arrested accused had made statement that he purchased the seized material from the present applicant. The admissibility of the statement of arrested accused as against the present applicant will be the matter of trial. In these circumstances, in view of recent orders of Hon'ble High Court relied upon by the Ld. Advocate for the applicant, the arrest and custodial interrogation of the applicant may not be necessary. Hence, the following order :-

ORDER

1. In the event of the arrest of applicant **Sayyed Jamil Sayyed Jalil**, he be released on bail on his executing P.R. Bond of **Rs.30,000/-** with surety in the like amount, on following conditions:
 - a) Applicant shall attend the I.O on 31-07-2026 between 10.00 am to 2.00 pm and thereafter as and when called by the I.O under written intimation till filing of charge-

sheet or till 60 days from today, whichever is earlier.

- b) Applicant shall co-operate the investigation.
 - c) Applicant shall not deal with prohibited Gutkha, Pan Masala and flavored Tobacco in any manner.
 - d) Applicant shall not misuse the liberty granted.
3. Inform concerned police station.

Dictated and Pronounced in Open Court.

Date : 29.07.2026

(T.T. Aglawe)
Addl. Sessions Judge,
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, Nanded
Date of Dictation	29.07.2026
Order signed by the PO on	29.07.2026
Order uploaded on	29.07.2026

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