



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.242 OF 2026

Hameed Yakub Isani Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.A. Mohta, Advocate for applicant.
Ms M.R. Kavimandan, APP for respondent/State.

CORAM : RAJNISH R. VYAS, J.

DATE : 15.04.2026.

1. Apprehending the arrest in connection with Crime No.95/2026 registered with Police Station, Pusad City, District Yavatmal for the offences punishable under Sections 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita, 2023 alongwith Section 26(1), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, the applicant/sole accused has approached this Court.

2. In short, it is the case of the prosecution that on 18.01.2026 raid was conducted on the godown owned by the present applicant in which the scented tobacco and other contraband articles viz. Pan Masala worth ₹2,96,000/- was found. It is on this allegation, the First Information Report is lodged.

3. The learned counsel for the applicant has submitted that the applicant was protected by the order passed by this Court on 02.04.2026 and has also attended the concerned



police station. He further submitted that during the pendency of the present application, the charge-sheet is also filed. According to him, as the investigation is already completed, the liberty of the applicant be protected.

4. Per contra, the learned APP has contended that the applicant has criminal antecedents and two offences of similar type are registered against him. She prayed for rejection of the application.

5. With the assistance of the respective counsel, I have gone through the record of the case and given thoughtful consideration to the arguments advanced.

6. The First Information Report in question was registered on 03.02.2026 for the aforesaid offences. It is the case that the godown of the present applicant was raided in which the huge quantity of contraband articles viz. scented tobacco and pan masala were found. The learned APP has fairly stated that the charge-sheet is filed.

7. So far as the registration of previous offences are concerned, though that cannot be a sole factor but it may be one of the grounds for considering an application for anticipatory bail.

8. As far as involvement of the present applicant in the First Information Report in question is concerned, it cannot



be ignored that the charge-sheet is already filed and applicant has attended the police station. Even otherwise, the prosecution has not come with a specific case that the present applicant was the owner of the godown. In the statement of the brother of the applicant it is stated that it was the applicant who used to look after the godown.

9. Considering the fact that there is a *prima facie* case in favour of the applicant and as the charge-sheet is filed, I am inclined to allow the present application and consequently the following order is passed:

ORDER

- (i) The application is allowed and disposed of.
- (ii) In the event of arrest in connection with Crime No.95/2026 registered with Police Station, Pusad City, District Yavatmal for the offences punishable under Sections 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita, 2023 alongwith Section 26(1), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, applicant – **Hameed Yakub Isani** shall be released on bail on furnishing a PR bond of ₹25,000/- [Rupees Twenty Five Thousand only] with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station on 25th and 26th April 2026 between 03.00 pm to 06.00 pm.



(iv) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.

(v) In case, the applicant commits similar offence, it would be a ground for the prosecution to move cancellation of bail.

(vi) The applicant shall not leave the India without prior permission of this Court.

(Rajnish R. Vyas, J.)

Wagh