



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 BAIL APPLICATION NO. 2344 OF 2025

POPAT BALIRAM METE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Mr. Ashok A. More
APP for the respondent – State : Mr. S.M. Ganachari
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 322 of 2025 dated 13.11.2025 registered with Bhoom Police Station, District - Dharashiv for the offences punishable under section 123, 274, 275 of the Bharatiya Nyaya Sanhita, 2023, section 26(2)(i), 26(2)(iv), 26(3)(d), 27(3)(e) of Food Safety and Standards Act, 2006.

2. The applicant is arrested on 13.11.2025 in connection with the aforesaid crime.

3. In the FIR, it is alleged that when the informant raided the General Store owned by the applicant on 13.11.2025, the prohibited substances viz. Gutkha, Pan-Masala, etc. worth Rs. 73,688/-, as indicated in the *panchanama*, were found in the said store. The said

substances were in the custody of the applicant for the purpose of sale. Panchanama was prepared in presence of two panch witness and the prohibited substances were seized. Accordingly, the aforesaid offence came to be registered against the applicant.

4. Learned counsel for the applicant submits that the allegations in the complaint are in relation to storing of the prohibited substances. The punishment for the same which may extend to six months with fine, whereas, the charge of section 123 of BNS, 2023 is concerned, the same is not even alleged since the allegations are either administer or cause be taken the stupefying substance, by any person as contemplated under section 123 of the BNS. He further submitted that after registration of the FIR, applicant is arrested on the same day and the recovery of prohibited substances is also effected. not warranted. As such, considering the same, further incarceration of the applicant is unjustified. Hence, prayed for grant of bail.

5. Learned APP opposed the application. He submitted that prohibited substances is found in the shop of the applicant. As such, is not entitled for bail. He expressed an apprehension that in case the applicant is enlarged on bail, the applicant may influence the prosecution witness or tamper the evidence and prayed to reject the bail application.

6. Having heard the submissions of both sides and perused the material on record, it indicates that charge against present applicant is of storing the prohibited substances. As far as the applicability of section 123 of BNS is concerned, same can be decided by the trial Court. All the other offences are bailable in nature and punishable for upto 6 months only. Nevertheless, the applicant is arrested on 13.11.2025 and the prohibited substances is also recovered, the further incarceration of the applicant is not warranted. In that view of the matter, case is made out for grant of bail. Apprehension of the learned APP regarding influencing the prosecution witness or tampering the evidence, can be addressed by imposing stringent conditions in that regard.

7. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

II) Applicant – Popat Baliram Mete, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 322 of 2025 dated 13.11.2025 registered with Bhoom Police Station, District - Dharashiv for the offences punishable under section 123, 274, 275 of the Bharatiya

Nyaya Sanhita, 2023, section 26(2)(i), 26(2)(iv), 26(3)(d), 27(3)(e) of Food Safety and Standards Act, 2006, on the following conditions :-

- (a) After his release from jail, the applicant shall report to the Investigating Officer till framing of the charge.
- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (d) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (e) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (f) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

8. Needless to state that the observations rendered herein-above are to the extent of consideration of the bail application and trial Judge may not get influenced by these observations and shall consider the case on the basis of the evidence on record and in accordance with law.

[SACHIN S. DESHMUKH]
JUDGE

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