

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 579 OF 2025

Tushar B. Bhamare ...Applicant
V/s.
State of Maharashtra ...Respondent.

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Mr. Tuushar N. Sonawane for the Applicant.
Mr. V.A. Kulkarni, APP for the Respondent/State.
HC H.A. Bagul, Pimpalgaon Police Station present.

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CORAM : N.R. BORKAR, J.
DATE : 26.02.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.6 of 2025 registered at Pimpalgaon Police Station, Nashik Rural for the offences punishable under Sections 123,223, 274 & 275 of the Bhartiya Nyaya Sanhita.
3. On the basis of secrete information, on 10.01.2025 a raid was conducted at the shop of the applicant and tobacco products (Guthka packets) worth Rs.13,168/- were found in his shop.
4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.
5. The learned counsel for the applicant submits that except offence punishable under Section 123 of BNS, all other offences are bailable. It is submitted that this Court has held that mere possession, transportation, storage or sale of Gutkha packets would not attract Section 328 of the IPC (Section 123 of BNS) and

the said issue is now pending before the Hon'ble Supreme Court. It is submitted that the applicant is in jail for more than 1 month. It is thus submitted that the applicant may be released on bail.

6. On the other hand, the learned APP for the respondent/State submits that the applicant is involved in three more crimes of similar nature. It is submitted that considering the criminal antecedents of the applicant, he may not be released on bail.

7. Considering the fact that the applicant is in jail for more than one month, I am inclined to release him on bail on certain conditions. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No.6 of 2025 registered at Pimpalgaon Police Station, Nashik Rural for the offences punishable under Sections 123, 223, 274 & 275 of the Bhartiya Nyaya Sanhita on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not commit any other crime.

[N.R.BORKAR, J.]