

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3878 OF 2025

Sarfaraz Mohammad Ansari

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Tuushar Sonawane, for the applicant.

Ms. Kranti T. Hiwrale, APP for the State – respondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 8, 2025

P.C.:

1. By the instant bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (“BNSS” for short), the applicant is seeking regular bail in connection with Crime Register No.137 of 2025 registered with Kamothe Police Station for offences punishable under Sections 123, 223, 274, 275 of the Bharatiya Nyaya Sanhita, 2023 (“BNS” for short), and under Sections 26, 27(2)(e) of the Food Safety and Standards Act, 2006.

2. The prosecution case, in brief, is that on 21 July 2025 at about 18:40 hours, the complainant and his team intercepted a Tempo bearing registration No. MH-48/CB-5931 at Pune–Mumbai Road, wherein the co-accused was found in possession of Gutkha, a prohibited article, valued at ₹17,40,000/-. As per the reply filed by the Investigating Officer, further seizures of Gutkha were made as under; from container No. MH-04-LQ-9821: ₹26,95,680/-,

₹6,73,920/-, and ₹86,40,000/-; from vehicle No. GJ-06-BT-7918: ₹33,69,600/- and ₹8,42,400/-; from vehicle No. MH-04-LY-6055: ₹40,43,520/- and ₹10,10,880/-; from vehicle No. MH-04-MH-7984: ₹33,69,600/- and ₹8,42,400/-. Based on these recoveries, the present crime has been registered against the applicant and other co-accused persons.

3. Learned Advocate for the applicant submits that the applicant has been implicated on the allegation that he was assisting and helping the owner of the goods in arranging the transportation of the contraband substance. It is submitted that the applicant was arrested on 4 August 2025 and that several co-accused have already been released on default bail. Hence, he prayed for releasing the applicant on bail.

4. The Learned APP has opposed the application, contending that the offences alleged are of serious nature and pertain to the sale and distribution of banned/prohibited items, which directly affect public health. It is submitted that considering the seriousness of the offence, the application deserves to be rejected.

5. Upon perusal of the material on record, including the FIR, seizure panchnamas, statements of witnesses, and the role attributed to the applicant, it appears that the applicant has not been found in direct possession of the contraband. However, he is alleged to have facilitated the logistical arrangements for the transportation of the prohibited items. The other co-accused have been released on default bail. Therefore, the accused has made out a prima facie case for his release on bail.

6. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.137 of 2025 registered with Kamothe Police Station for offences punishable under Sections 123, 223, 274, 275 of BNS, and under Sections 26, 27(2)(e) of the Food Safety and Standards Act, upon furnishing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

(a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(b) The applicant shall report to the Kamothe Police Station once in a month, specifically on the 1st and 15th day of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not leave the territorial jurisdiction of the State of Maharashtra without prior written permission of the Trial Court.

(d) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(e) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to

the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

7. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)