

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4462 OF 2025**

1. Nilesh Baburao Chalwade ...Applicants

2. Satyabhan Srinibhas Behera

Versus

State of Maharashtra

...Respondent

Mr. Tuushar N. Sonawane, *for the Applicants.*

Mr. Yogesh Y. Dabke, *APP for the Respondent-State.*

Mr. Vishal Rumane, *API attached to Kasarwadavali Police Station, Thane City, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 02ND DECEMBER 2025

PC:-

1. By this Application, the Applicants seek their enlargement on bail in connection with FIR No. 0924 of 2025 dated 19th October 2025 registered with the Kasarwadavali Police Station, Thane City for the offences punishable under Sections 223, 274, 275, 123 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 26(1), 26(2),

26(4), 27(3), 27(3)(d), 3, 59(iii) of the Food Safety and Standards Act, 2006.

2. It is alleged that on the basis of secret information received, the Complainant and his team raided the premises at ground floor, Sai Aarti Bungalow, Kasarwadavali, wherein the Applicants were apprehended and arrested for storing prohibited material, such as various brands of *pan masala*, value of which together was Rs.46,00,420/-.

3. The Applicants filed an application seeking bail before the Additional Sessions Judge-9, Thane, however, by order dated 13th November 2025, the same came to be rejected. Hence, the Applicants are before this Court for the reliefs as prayed.

4. Heard Mr. Tuushar Sonawane, learned counsel appearing for the Applicants and Mr. Yogesh Dabke, learned APP representing the State in the matter.

5. Mr. Sonawane, learned counsel appearing for the Applicants submits that except the offence punishable under Section 123 of the BNS, all other offences are bailable. It is also submitted that this Court has already held that mere possession, transportation, storage or sale of *Pan Masala* packets would not attract Section 328 of the IPC (Section 123 of BNS) and the said issue is now pending before the Supreme Court.

6. The Applicants were arrested on 19th October 2025 and have suffered incarceration for about 1 and half months.

7. Mr. Yogesh Dabke, learned APP representing the State in the matter, fairly concedes that the matter is pending before the Supreme Court.

8. In these circumstances, I am inclined to enlarge the Applicants on bail. It is accordingly ordered as under:

ORDER

- i) The Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- each with one or two local sureties in the like amount;
- ii) The Applicants shall attend the Police Station concerned once in a month, i.e., on first Saturday between 11:00 a.m. to 02:00 p.m. till the conclusion of the trial;
- iii) The Applicants shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iv) If the Applicants have not deposited their passports, if any, the Applicants shall deposit the same with the Police Station concerned;
- v) The Applicants shall not leave India, without the permission of the Trial Court;

vi) The Applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicants shall inform their latest place of residence and contact numbers immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicants to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the

learned Trial Judge to decide the case on its own merits,
uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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