

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2076 OF 2025

Doulat Ram s/o. Ramkumar	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2062 OF 2025

Nikhil Avnish Agarwal	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Rajesh More a/w. Ms. Rupa Singh, for the Applicants.
Mr. A. R. Metkari, APP, for the Respondent-State in ABA/2076/2025.
Mr. S. M. Mangaonkar, APP, for the Respondent-State in ABA/2062/2025.
Mr. Madan Kamble, API, attached to Fursungi Police Station, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 15th OCTOBER 2025

PC:-

1. Heard Mr. More, learned Counsel appearing for the Applicants, Mr. Metkari, learned APP appearing for the Respondent-State in Anticipatory Bail Application No.2076 of 2025

and Mr. Mangaonkar, learned APP appearing for the Respondent-State in Anticipatory Bail Application No.2062 of 2025.

2. The accused No.5-Doulat Ram s/o. Ramkumar is the Applicant in Anticipatory Bail Application No.2076 of 2025 and accused No.6-Nikhil Avnish Agarwal is Applicant in Anticipatory Bail Application No.2062 of 2025. They are seeking pre-arrest bail by filing these Applications under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with C.R. No.108 of 2025 registered with Fursungi Police Station, Pune, for the offence punishable under Sections 123, 223, 274, 275 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”) and for the offences under Sections 26(2)(i), 26(2)(iv), 27(3)(e) and Section 59 of the Food Safety and Standards Act, 2006.

3. Mr. More, learned Counsel appearing for the Applicants submits that except offence under Section 123 of the BNS, all the offences are bailable. He submits that the offence under Section 123 of the BNS is concerned, whether the said offence will apply to the similar cases is the issue pending before the Supreme Court.

4. On the other hand, Mr. Metkari, learned APP and Mr. Mangaonkar, learned APP strongly opposed the Anticipatory Bail Applications. Both of them submit that the offence is very serious therefore, the Anticipatory Bail Applications be rejected.

5. In paragraph No.7 of the order dated 19th June 2025 passed by the learned Additional Sessions Judge, Pune, in Criminal Bail Application No.3482 of 2025, the prosecution case is set out, which reads as under:

“7. On perusal of material available on record it appears that, on the basis of secret information Police Team has apprehended the tempo, in which contraband articles worth Rs. 20,68,600/- were found. On further investigation, the raiding team also took search of container in which contraband articles worth of Rs. 40,08,000/- were found. The investigation team took the search of warehouse of the Maharashtra Freight Company, in which the contraband articles worth Rs. 12,96,750/- were found. The material shows that, the contraband articles worth Rs. 80,00,000/- and above has been seized by the Investigating Officer. Applicant No.1 is the owner of the Maharashtra Freight Company and the applicant No.2 is the Manager. The contraband articles are seized from the warehouse of the company belonging to applicant no.1. The said fact prima-facie shows the involvement of applicants in the offence. The applicants were dealing in contraband articles which are injurious to human health. The State Government of Maharashtra has

banned said contraband articles as they are injurious to public health.”

6. Perusal of the record shows that except offence under Section 123 of the BNS, other offences are bailable offences. As far as the issue whether Section 123 of the BNS will apply to similar cases is pending before the Supreme Court.

7. Accordingly, the case is made out for grant of Anticipatory Bail by imposing certain conditions. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant-Doulat Ram s/o. Ramkumar in Anticipatory Bail Application No.2076 of 2025 and the Applicant-Nikhil Avnish Agarwal in Anticipatory Bail Application No.2062 of 2025 in connection with C.R. No.108 of 2025 registered with the Fursungi Police Station, Pune, the Applicants are directed to be released on bail on furnishing P.R. Bond in the sum of Rs.1,00,000/- each with one or two solvent sureties each in the like amount.

- (b) The Applicants shall attend the Fursungi Police Station, Pune, on every 1st and 3rd Sunday between 11:00 a.m. to 02:00 p.m. till filing of the chargesheet and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.
- (c) The Applicants shall furnish their cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicants shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicants shall not leave India without prior permission of the Court.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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