

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2919 OF 2025

Mr. Amir Junaid Ansari	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Shahed Ali Ansari, Advocate for Applicant.
Mr. A.R. Metkari, APP for the State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 16th October 2025

P.C.:

1. Heard Mr. Ansari, learned Counsel appearing for the Applicant and Mr. Metkari, learned APP for the State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.305 of 2025 registered with Yeola Police Station, District-Nashik, for the offences punishable under Sections 123, 275, 278, 3 and 5 of the Bharatiya Nyay Sanhita, 2023 ("BNS").

3. It is the submission of Mr. Ansari, learned Counsel for the Applicant that the except Section 123 of BNS, all the Sections are bailable. He further submits that as far as Sections 123 is

concerned, issue whether Section 123 of BNS will apply to similar circumstances is pending before the Supreme Court. He further submits that he is ready to give undertaking that he will not deal with Gutkha and tobacco products in any manner whatsoever.

4. It is the prosecution case that the Applicant was possessing banned scented pan masala and tobacco products valued at approximately Rs.1,06,792/-. All the offences are bailable except Section 123 of BNS and issue whether Section 123 will apply to similar facts is pending in the Supreme Court. Thus, the case is made out for grant of anticipatory bail *inter alia* on the condition that the Applicant files before the learned Trial Court undertaking within a period of two weeks from today to the effect that the Applicant will not deal with banned products i.e. Gutkha, Pan masala and tobacco products.

5. Accordingly, the Applicant is entitled to pre-arrest bail. Hence, following Order is passed:

ORDER

- (i) In the event of arrest, the Applicant- Amir Junaid Ansari be released on bail in C.R. No.305 of 2025 registered with Yeola Police Station, District-Nashik,

on executing P.R. bond of Rs.1,00,000/- and furnishing one or two solvent sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station once a week i.e. on Sunday between 11.00 a.m. to 3.00 p.m. till filing of Charge-sheet.
- (iii) The Applicant to furnish an undertaking that he will not deal with banned products i.e. Gutkha, Pan masala and tobacco products etc..
- (iv) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (v) The Applicant 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.

(vi) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner.

(vii) The Applicant shall not leave India without prior permission of the Court.

6. The Anticipatory Bail Application is allowed and disposed of accordingly.

(MADHAV J. JAMDAR, J.)