



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**Criminal Application (BA) No. 1218 of 2025**

Mohammad Haseen Sageer Ahmad

**Versus**

The State of Maharashtra through Police Station Officer, Police Station  
Kapil Nagar, Dist. Nagpur

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

Shri A.S.Band, Advocate for the applicant.

Shri Vinod Thakare, APP for the non-applicant/State.

**CORAM : NIVEDITA P. MEHTA, J.  
DATED : 25<sup>th</sup> NOVEMBER, 2025.**

The present bail application has been filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS 2023”) for grant of regular bail in connection with Crime No. 705 of 2025 dated 08.10.2025 registered at Police Station Kapil Nagar, Nagpur, for offences punishable under Sections 123, 247, 275, 223 of Bharatiya Nyay Sanhita, 2023 (hereinafter “BNS 2023”), and Section 59 of the Food Safety and Standards Act, 2006, along with Section 4 read with Section 25 of the Indian Arms Act, 1959, read with Section 135 of the Maharashtra Police Act, 1951.

2. The prosecution case, in brief, is that on 07.10.2025, PSI Ganesh Kadam, Crime Branch Unit-5, Nagpur, received secret information while on patrolling duty that the accused, Mohammad Hasin Mohammad Shagir Ahmed, was allegedly in possession of a huge stock of prohibited scented tobacco at Kamgar Nagar Colony, Near Gausiya Masjid, Galli No.1, Plot No. 733, Nagpur. Upon conducting a raid at the spot, a substantial quantity of prohibited scented tobacco, including various brands and packaging, amounting to approximately Rs. 2,30,674/-, was seized from a Sumo Four Wheeler vehicle bearing registration No. MH40 Y-6138. Accordingly, a report was lodged, and the investigation was initiated.

3. Learned counsel for the applicant, Shri Band, submitted that the applicant is not directly involved in the alleged crime and has been falsely implicated. It is contended that all contraband material was seized from the premises and the vehicle, and nothing incriminating was recovered from the present applicant. He further submitted that a subsequent FIR No. 708 of 2025 has been registered concerning the same alleged offence. Reliance was placed on the judgment of the Hon'ble Supreme Court in *T.T. Anthony v. State of Kerala*, (2001) 6 SCC 181, wherein

it was held that a second FIR registered on the same cause of action is not permissible.

4. Per contra, Shri Thakare, learned Additional Public Prosecutor, submitted that the applicant, along with his brother, was allegedly running a store of contraband articles, and the seized materials were used in the preparation of prohibited mixtures. It was further submitted that the premises were also inspected by the Food Safety Officer, and contraband was seized. The investigation is at an advanced stage and is expected to conclude within 10–15 days. He further contended that the applicant's role in the sale or purchase of contraband has not yet been fully established, and thus, release on bail at this stage may impede the investigation.

5. Upon considering the rival contentions and perusal of the record, it is observed that only Section 123 of BNS 2023 has been invoked with respect to the present applicant. Section 123 criminalizes the administration of poison or stupefying, intoxicating, or unwholesome substances with intent to cause hurt or facilitate the commission of an offence. On a *prima facie* reading of the material, none of the ingredients of this section are attracted to the present applicant. Further, the Hon'ble Supreme Court in *Special Leave to Appeal (Cri.) No. 8431 of 2021*, while interpreting *pari materia*

Section 328 of the IPC, has considered granting bail in analogous circumstances.

6. Considering the above, and taking into account the nature of allegations, the stage of investigation, and the fact that contraband material has already been seized, I am satisfied that the applicant has made out a case for grant of bail.

7. Accordingly, the application is allowed. The applicant shall be released on bail in connection with Crime No. 705 of 2025, subject to the following conditions:

#### ORDER

i. Applicant - **Mohammad Haseen Sageer Ahmad** be released on bail in connection with Crime No. 705 of 2025 dated 08.10.2025 registered at Police Station Kapil Nagar, Nagpur for the offence punishable under Sections 123, 247, 275, 223 of Bharatiya Nyaya Sanhita, 2023 and Section 59 of Food Safety and Standards Act, 2006 long with Section 4 read with Section 25 of the Indian Arms Act read with Section 135 of Maharashtra Police Act, 1951., on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

ii. The applicant shall not in any way tamper with the prosecution evidence or pressurize or threaten the prosecution witnesses.

iii. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate with the investigation till filing of the charge-sheet.

**[NIVEDITA P. MEHTA, J.]**