



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

CONTEMPT PETITION NO.338 OF 2025

[Bharath Traders, a proprietorship firm and one .vs. State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.A. Mohta, Advocate for Petitioners.

Shri D.V. Chauhan, Senior Advocate-cum-Government Pleader assisted by
Shri S.C. Joshi, Assistant Government Pleader for the Respondents-State.

CORAM : PRAVIN S. PATIL, J.

DATED : 15.12.2025.

1. In the present matter, the order of the Sessions Court,
Nagpur passed the following order :

- (i) *The Revision Application is allowed.*
- (ii) *The order dated 19.09.2025 passed by the learned Judicial Magistrate, First Class, Saoner, Dist. Nagpur, in Misc. Criminal Application No. 220/2025, is set aside.*
- (iii) *The Misc. Criminal Application No. 220/2025 is allowed.*
- (iv) *The Pan Masala seized in Crime No. 714/2025 for the offences punishable under Sections 123, 274, 275 and 223 read with Section 3 (5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 26 (1), 26 (2)(iv) punishable under Sections 27 (3)(e), 30 (2)(a), 3 (1) (zz) (iv) and 59 of the Food Safety and Standard Act, registered with Saoner Police Station, Dist. Nagpur be released in favour of applicant No. 1 Bharat Traders and applicant No. 2 Suresh Traders, on their executing bank guarantee of Rs.23,75,000/- (Rs. Twenty Three Lakhs*

Seventy Five Thousand only) and Rs.12,50,000/- (Rs. Twelve Lakhs Fifty Thousand only) respectively, on following conditions :

- (a) The applicants shall not offloaded the seized Pan Masala within the Maharashtra State and shall given undertaking to that effect that if they found offloading the seized Pan Masala within State of Maharashtra, they will deposit the price of Pan Masala which will be forfeited to the Government.*
- (v) The Investigating Officer, Police Station Saoner, Dist. Nagpur, before releasing the Pan Masala, is directed to take photographs of said Pan Masala and to prepare detail panchnama while giving the custody of Pan Masala to the applicants.*
- (vi) The applicants shall bear necessary expenses.*
- (vii) The Investigating Officer of Police Station Saoner, Nagpur is directed to file the photographs and panchnama before the trial Court.*
- (viii) Accordingly, inform the learned Judicial Magistrate, First Class, Saoner, Dist. Nagpur.*
- (ix) Proceeding is closed.*

2. In the above operative part of the order under clause (iv) court has directed to obtain Bank Guarantee from the petitioners, then in clause (v) specifically provided mechanism by directing the Investigating Officer, Police Station Saoner, Dist. Nagpur, while releasing the Pan Masala, photographs of said Pan Masala be taken and prepare detail panchnama while giving the custody of Pan Masala to the applicants. It is further observed in clause (vii) that the Investigating Officer of Police Station

Saoner, Nagpur to file the photographs and panchnama before the trial Court. As such, whole purpose was to deliver custody of material at an earliest to the petitioners.

3. The order was passed on 18.10.2025, but for one month, no positive steps were taken, therefore, petitioners were constrain to file contempt petition before this court and circulated on 13.11.2025. This court on 13.11.2025 issued notices to the respondents.

4. On appearance of the respondent no.2, it is stated that they have challenged the order of the Sessions Court in Criminal Writ Petition No.969/2025. Accordingly, this court made clear to the respondent no.2 that in absence of the order of stay to the impugned order, this court will have to proceed further in the matter. Accordingly, the matter was adjourned.

5. Thereafter, contempt petition was listed before this court on 10.12.2025. On that day, it was pointed out that in pending writ petition no interim order nor any direction were issued and same was adjourned at the instance of respondent no.2. Therefore, the respondent no.2 was directed either to comply the order within one week or remain present before this court on 15.12.2025.

6. Today, the respondent no.2 is present before this court and stated that as the petition is pending before the bench of this court and hearing was going on therein, further time be extended in the matter.

7. The learned counsel for the petitioners, who is representing the present petitioners in the said writ petition, has specifically pointed out that it is the respondent no.2 and his counsel taking time in the matter and, therefore, the matter was adjourned before the bench of this court. He further pointed out

that the said writ petition is now pending for further orders and the court has adjourned the matter on 7.1.2026.

8. From record it is clear that as per the directions of Sessions Court, petitioners have already furnished bank guarantee. The pan-masala and other material- was seized on 14.8.2025. Same was directed to be released by the order dated 18.10.2025. On 4.11.2025, petitioners furnished bank guarantee. Present contempt petition was filed on 12.11.2025 and was circulated on 13.11.2025. Lateron, Criminal Writ Petition No.969/2025 was filed by the respondents. This court taking into consideration of filing of Criminal Writ Petition No.969/2025, granted time with clear understanding. Then it is noticed that Criminal Writ Petition No.969/2025 was adjourned at the instance of the respondents. Therefore, this court passed order on 3.12.2025 directing respondent no.2 either to comply the order or remain present before this court. Accordingly, the respondent no.2 is present before this court. Prima facie, it is clear that there is a disobedience of the order passed by the Sessions Court. Hence, in my view, only aspect which required to be considered in the matter, as to whether, the disobedience is intentional and deliberate in the matter.

9. Hence, the parties are put to the notice that this court will frame the charge in the matter on next date i.e. on 22.12.2025, if I found no satisfactory explanation from the respondent no.2 in the matter.

10. List the matter on 22.12.2025 for further consideration.

(PRAVIN S. PATIL, J.)