IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 BAIL APPLICATION NO.2155 OF 2026

1. Noor Lal Sayyed
2. Jagdish @ Sonu Kamal Das … Applicants

Versus

The State of Maharashtra .. Respondent

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Shri. Satej S. Jadhav a/w. Shri. Aqif H. Qureshi, Advocate for Applicants
Shri. S. A. Gaikwad, APP for Respondent – State.

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 04.11.2026

PER COURT :

. By way of the present Application, the Applicant seeks regular bail in connection with Crime No.811/2026, registered with Tophkhana Police Station, District Ahilyanagar, for the offences punishable under Sections 223, 271, 325 and 49 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS'), and Sections 5, 5(C), 9, 9(A) and 11 of the Maharashtra Animal Preservation Act, 1976 (hereinafter referred to as the 'the said Act'). Subsequently, during the course of investigation, Section 111 of the BNS came to be added.

2. It is the case of the Prosecution that, on the basis of the secrete information raid was conducted on 22.09.2026 at Kotala Slum area behind Qureshi Nashta Center, Ahilyanagar. In the said raid, the police found that despite there being prohibition on the slaughter of cow progeny in the State of Maharashtra, still the Applicants were found in

possession of the beef for the purpose of hotel of Accused No.1 and for selling the same. Two accused were apprehended by the police from the spot. Muddemal property which was found at the scene of the offence was seized. The prosecution then took sample of the seized material in presence of panchas. The Report was then lodged about the incident. In all there are three accused persons. The present Application is filed by the Accused Nos.2 and 3.

3. The learned Advocate for the Applicants submits that the Applicants are falsely implicated in the alleged offence. He submits that, the Applicants are employees of a hotel named Qureshi Nashta Center, Ahilyanagar. They are neither purchaser nor the place is meant for slaughtering. The material supplied to them was being used only to prepare food for customers. The learned Advocate further submits that, the Applicants were not involved in procuring or slaughtering any cow. He submits that the Chemical Analyser's report is still awaited and, in its absence, there is nothing on record to establish that the flesh recovered from the spot was that of a cow covered by the prohibition under the said Act. The Applicants were arrested on 22.09.2026. According to the learned Advocate, Section 111 of the BNS is not attracted against the Applicants, as they have no criminal antecedents. He submits that, if Section 111 of the BNS is excluded, all the remaining alleged offences are punishable with imprisonment for a maximum term of five years or less. As regards the alleged offences under the said Act, he submits that they

are punishable with imprisonment for a maximum term of one year. He, therefore, prays that the Applicants be released on bail.

4. The learned APP appearing for the State submits that, the alleged offence is serious in nature. The flesh recovered from the spot weighs more than 2,700 kg. He submits that, there was specific information that the Applicants, along with the other co-accused, were indulging in acts prohibited under the said Act. He submits that, against the co-accused persons there are offences registered and that all the accused persons are operating in tandem with one another, therefore, Section 111 of the BNS would be applicable. He submits that, the Applicants are not residents of Ahilyanagar and that there is, therefore, every likelihood that they will abscond. He submits that, the present Application may not be considered at least until the Charge-sheet is filed, as the C.A. Report will conclusively indicate whether the material seized is prohibited under the said Act. He prays for rejection of the Application at this pre-charge-sheet stage.

5. I have heard the learned Advocate for the Applicants and the learned APP for the State. I have also perused the FIR and all the other relevant documents annexed to the Application. Apart from the prosecution's case and the narration that the act of raid was based on secret information, there is nothing on record as of today to suggest that the muddemal seized from the spot is the flesh of an animal prohibited under the said Act. The C.A. Report is still awaited. The prosecution is

also not in a position to point out whether the present Applicants have any other criminal antecedents. The mere existence of criminal antecedents against the other co-accused persons would not, by itself, establish the applicability of Section 111 of the BNS to the present Applicants and that will be an issue to be decided at the time of trial. However, in the absence of any criminal antecedents and on the basis of the mere allegation that the Applicants were present in the hotel, named, Qureshi Nashta Centre, Ahilyanagar, they cannot be kept in custody any longer. In my view, the Applicants can be released on bail by imposing strict conditions. Hence, I pass the following order.

ORDER

(i) The Bail Application is allowed.

(ii) The applicants shall be released on bail in Crime No.811/2026, registered with Tophkhana Police Station, District Ahilyanagar, for the offences punishable under Sections 111, 223, 271, 325 and 49 of the Bharatiya Nyaya Sanhita, 2023 and Sections 5, 5(C), 9, 9(A) and 11 of the Maharashtra Animal Preservation Act, 1976 on each furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two local solvent sureties in the like amount, subject to the following conditions :

a) The Applicants shall report to the Investigating Officer on the first Monday of every month and whenever required until the Charge-sheet is filed, and thereafter, as and when required.

b) The applicants shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the

prosecution evidence.

c) The applicants shall furnish their current residential addresses and mobile numbers to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicants shall not leave State of Maharashtra without prior permission of the trial Court and, if they possess passports, shall deposit the same with the trial Court within seven days of their release.

e) The applicants shall not involve themselves in any offence of a similar nature while on bail.

f) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

g) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iii) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

GGP