



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 149 OF 2026

DEEPAK DIGAMBAR PURI
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Jaydeep S. Kadam
APP for Respondents-State : Mr. A. R. Kale

CORAM : SACHIN S. DESHMUKH, J.

Date : 6th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 06.01.2026 bearing Crime No. 4 of 2026 registered with Anandnagar City Police Station, Dist. Dharashiv for the offences punishable under Sections 123, 223, 274, 275 of Bharatiya Nyaya Sanhita, 2023.

2. The prosecution's case is that on 06.01.2026, Police Constable Javed Kazi of the Local Crime Branch (LCB), Dharashiv, filed a complaint leading to the registration of a criminal case against the accused, Deepak Puri. The incident occurred while Constable Kazi and his team were patrolling the Tuljapur area. Acting on a tip-off from a confidential informant regarding the illegal transportation of suspicious goods, the police personnel laid

a strategic trap to intercept the vehicle. During the operation, a tempo with registration number MH-16-AY-4789 was observed moving in a suspicious manner. Upon intercepting and searching the vehicle, officers discovered 74 bags containing gutkha and related prohibited items, with a total estimated market value of Rs. 18,95,880/-. Deepak Puri, who was identified as the driver of the vehicle, was apprehended at the scene. Following the seizure of the contraband and the vehicle, he was immediately placed under arrest, and the complainant initiated the formal legal process.

3. The learned counsel for the applicant submits that the applicant is falsely implicated in the crime. There is no material to show that he manufactured, sold or stored any unsafe food products. It is further submitted that the provisions of Section 123 of the BNS are not applicable against the applicant. The investigation is almost complete and the alleged substance is recovered by the investigating agency. Hence, further incarceration of the applicant is unjustified and prayed to allow the application.

4. The learned APP opposed the application, submitting that the accused was apprehended as the driver of the vehicle carrying the banned substance. Given the serious nature of the offence, it is contended that the applicant's release on bail would

pose a significant risk of tampering with evidence or repetition of the offence of similar nature. Consequently, the prayed for the application to be rejected.

5. Considering the submissions from both sides and perusing the record, it is evident that except the offence punishable under Section 123 of the BNS, all the other offences against the applicant are bailable in nature. This Court has consistently held that in order to attract the provision of Section 123 of the BNS (earlier 328 of IPC), there must be an allegation about administration of the poisonous substance. However, no such allegations are being leveled against the applicant. The applicant is only alleged to have transported those goods and was consequently, apprehended by the Police.

6. Nevertheless, the Hon'le Apex Court is seized with the matter when the question involved as to whether Section 328 of IPC (now 123 of BNS) could be invoked. In that view of the matter the case is made out for grant of bail, effectively safeguarding the liberty of the accused while examining the issue.

7. Considering that the alleged contraband is recovered

and the samples so obtained are sent for chemical analysis, nothing is to be recovered at the instance of the applicant. As such, the detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable.

8. In view of the aforesaid aspects, I am, therefore, persuaded to exercise the discretion in favor of the applicant. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

9. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Deepak Digambar Puri be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 4 of 2026 registered with Anandnagar City Police Station, Dist. Dharashiv for the offences punishable under Sections 123, 223, 274, 275 of Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
 - (a) The applicant shall attend each and every date of the

Trial Court, unless exempted by the Trial Court.

- (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)