IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 930 OF 2026

Narayan Arjun Hugar ...Applicant

Versus

The State Of Maharashtra And Anr. ...Respondents

Mr. Vivek Shere a/w H. Shinde i/b Changdev Shingade, Advocate for the Applicant.

Mr. S. S. Chaudhari, APP for the Respondent – State.

GPSI Salve, Mandrup Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.
DATE : 8th October, 2026.

P.C. :

1. Heard, Mr. Vivek Shere, learned Advocate for the Applicant and Mr. S. S. Chaudhari, learned APP for the Respondent – State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant is before this Court seeking Regular Bail in connection with Crime No. 369 of 2026, registered at Mandrup Police Station, for offences punishable under Sections 123, 275, 274 and 223 of the Bharatiya Nyaya Sanhita, 2023 and Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e) and 30(2)(a) read with Section 59 of the Food Safety and Standards Act, 2006.

3. Mr. Vivek Shere, learned Advocate for the Applicant, states that

there are two (2) accused persons in the present crime, Applicant being Accused No. 1.

4. Applicant was arrested on 03.09.2026. Criminal Bail Application No. 938 of 2026, filed by the Applicant, was rejected by the Additional Sessions Judge, Solapur, on 17.09.2026.

5. Mr. Vivek Shere, learned Advocate for the Applicant, states that the Applicant owns a transport vehicle that was apprehended by the police. Prohibited articles (i.e. paan masala/tobacco products), which are prohibited in the State of Maharashtra, were found in the vehicle. He further states that although the Applicant owns the transport vehicle, he is not the owner of the articles that were transported from the State of Karnataka .He submits that the main offence is under Section 123 of the Bharatiya Nyaya Sanhita, 2023. He submits that the Applicant was merely transporting the material without knowledge that it was prohibited. He submits that the issue pertaining to Section 123 of the BNS (earlier Section 328 of the Indian Penal Code, 1860) is pending before the Hon'ble Supreme Court in the case of Anand Ramdhani Chaurasia v/s. The State of Maharashtra (foot note). He submits that the Applicant has no criminal antecedents. He relies on the following decisions of this Court in the case of :-

I. Rashid Rukmuddin and Another v/s. The State of Maharashtra[1]*,*

II Tushar B. Bhamare v/s. The State of Maharashtra[2]*,*

III Ahefaz Iqbal Memon alias Menon v/s. The State of Maharashtra[3]*,*

IV Dipak Maharajsing Yadav v/s. The State of Maharashtra[4] and

V. Karan Ramabhai @ Karamshibhai Hamabhai Jograna and Another v/s. The State of Maharashtra[5]*.*

6. Mr. S. S. Chaudhari, learned APP for the Respondent – State, does not dispute that the Applicant is the owner of the vehicle used to transport the prohibited articles. He also does not dispute that the issue under Section 123 of the BNS is pending before the Hon'ble Supreme Court.

7. Perused the records with the assistance of the learned Advocates

1 Criminal Bail Application No. 403 of 2023 decided on 6th March, 2023.

2 Criminal Bail Application No. 579 of 2025 decided on 26th February, 2025.

3 Criminal Bail Application No. 1463 of 2022 decided on 16th January, 2023.

4 Criminal Bail Application No. 45 of 2024 decided on 1st February, 2024.

5 Criminal Bail Application No. 273 of 2024 decided on 8th March, 2023.

for the parties.

8. Perusal of the records, prima facie, reveals that the Applicant is a Transporter. The applicability of Section 123 of the BNS is pending before the Hon'ble Supreme Court. The Applicant has no criminal antecedents.

9. Considering the circumstances of the present case, the pending status of the said provision before the Hon'ble Supreme Court, and the view taken by this Court in similar matters, the Applicant is granted bail.

10. In view of the above, the present Bail Application is allowed on the following conditions :-

> (a) Applicant is directed to be released on Bail in connection with C.R. No. 369 of 2026, registered with Mandrup Police Station, upon furnishing a P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two sureties, in the like amount, to the satisfaction of the Additional Sessions Judge, Solapur, in Crime No. 369 of 2026.

(b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade that person from disclosing the facts to the Court or any police officer. Applicant shall not tamper with evidence.

(c) Applicant shall, within three (3) days of his release from jail, provide to the Investigating Officer, Mandrup Police Station, his residential address with proof, the contact numbers and must inform the Investigating Officer about the change in the same from time to time.

(d) Applicant shall regularly appear before the Trial Court upon the filing of the chargesheet in C.R. No. 369 of 2026.

(e) Applicant shall not indulge in similar offences punishable under the NDPS Act.

(f) In the event of any default in complying with the conditions or misuse of the liberty granted to the Applicant, the prosecution shall be at liberty to seek

cancellation of the bail.

11. Bail Application No. 930 of 2026 is disposed of.

(Ashwin D. Bhobe, J.)

ARJUN KRISHNA RODGE

Digitally signed by ARJUN KRISHNA RODGE
Date: 2026.10.09 10:35:31 +0530