



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

CRIMINAL APPLICATION (APL) NO. 722 OF 2025

1. **Laxman @ Kalu Jethanand Lalwani**
Aged about 53 years,
Occupation : Business,
R/o Kacchi Kholi, Sindhi Camp,
Akola Tq. And Dist. Akola
2. **Manoj @ Nandlal Lalwani,**
Aged about: 47 years,
Occupation: Business,
R/o Kachhi Kholi,
Sindhi Camp, Akola Tq. And Dist.
Akola

// V E R S U S //

The State of Maharashtra,
Through the Police Station Officer,
Teosa Police Station,
Dist. Amravati

NON-APPLICANT

Mr. S.A. Mohta, Advocate for the applicants.
Mr. A.M. Kadukar, APP for non-applicant /State.

WITH

CRIMINAL APPLICATION (APL) NO. 1081 OF 2025

1. **Mohammed Firoz Mohammed**
Saddik Punjani,
Aged about 42 years,
Occupation : Business,
R/o Meman Colony, Karanja,
Tq. Karanja Dist. Washim

// V E R S U S //

The State of Maharashtra,
Through the Police Station Officer,

NON-APPLICANT

Teosa Police Station,
Dist. Amravati

Mr. S.A. Mohta, Advocate for the applicants.
Mr. A.M. Kadukar, APP for non-applicant /State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 13.01.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.
3. The present applications are preferred by the applicants for quashing of the First Information Report in connection with crime No.308/2025 registered with the non-applicant No.2-Police Station under Sections 123, 223, 274 and 275 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNS') read with Section 3(5) and 59 of the Food Safety and Standard Act, 2006 and Rules 2011. The crime is registered on the basis of report lodged by PSI Mulchand Chandrabhanji Bhamburkar on an allegation that on 15.04.2025 he received a secrete information that one container proceeding from Nagpur to

Amravati bearing No.RJ 11GC 0352 is transporting the contra band articles like scented pan masala and scented tobacco and therefore, he alongwith other raiding party workers intercepted said container. On inception of the said truck the driver of the truck disclosed that they are transporting the toys, school bags and foot wears. But on inspection of the said truck, the contra band articles like scented pan masala and scented tobacco like are found worth of Rs.71,70,000/-. The said stock was immediately seized in presence of the panchas. On the basis of the said report police have registered crime against the driver of the said truck namely Gulab Sarman Aherwar. During interrogation with the driver of the said truck, the names of the present applicants are revealed as the purchaser of the said stock and therefore the present applicants are arrayed as an accused. After registration of the crime, the Investigating Officer has recorded the statements of the relevant witnesses. During investigation various statements are recorded which are placed on record.

4. Heard learned counsel for the applicants who submitted that the case of the prosecution is that the informant who is the police officer received a secrete information and on the

basis of the said secrete information, he has intercepted the truck and the driver of the truck was taken in the custody as well as the stock was also seized from the other co-accused. On the basis of the statement of co-accused the offence came to be registered against the present applicants in the matter.

5. He further submitted that except the statement of the co-accused there is absolutely no material to show that the applicants were the proposed purchasers of the said stock. So on the basis of the statement of the co-accused, he cannot be prosecuted in the matter.

6. Per contra, learned APP strongly opposed the same by stating that the material seized from the main accused is huge in amount and there are criminal antecedents of similar nature against the present applicants. After investigation the involvement of the present applicants is revealed and therefore, a prima-facie case is made out against the applicants. In view of that applications deserve to be rejected.

7. After considering the rival submissions of both the parties and on perusal of the investigation papers, which are placed on record for perusal, it is clear that truck bearing

No.RJ11GC0352 was intercepted on the basis of the secrete information and the contraband articles are seized at the instance of the co-accused. There is allegation that present applicants are the proposed purchasers but except the bare statement of the co-accused, who is the truck driver, there is absolutely no material collected during the investigation to show the involvement of the present applicants that they are proposed purchasers. It is well settled position of law that on the statement of the co-accused, no offence can be registered against the another accused. In the present case though it is stated by the learned APP that on the basis of the statement of the co-accused, the offence is registered but entire charge-sheet nowhere demonstrated that what other material has been collected from the applicants. The prosecution further could not show that the applicants are the proposed purchasers of the said contraband articles. As such, in absence of any material on record against the applicants prosecuting under the offences registered against them would be an abuse of the process of law. In view of that the applications deserve to be allowed.

8. Hence, I proceed to pass the following order:-

ORDER

(i) The Criminal Applications Nos.722/2025 and 1081/2025 are allowed.

(ii) The FIR in connection with crime No.308/2025 registered under Sections Sections 123, 223, 274 and 275 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 3(5) and 59 of the Food Safety and Standard Act, 2006 and Rules 2011 is quashed and set aside to the extent of applicant Nos.1- Laxman @ Kalu Jethanand Lalwani and 2- Manoj @ Nandlal Lalwani and Mohammed Firoz Mohammad Saddik Punjani.

9. The criminal applications stand disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)