



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

CRIMINAL APPLICATION (APL) NO. 906 OF 2025

Sheikh Israr Sheikh Jabbar,
Aged about 45 years,
Occupation : Business,
R/o Near Nagina Masjid,
Gulzarpura, Borgaon, PO
Borgaon Manju, Dist. Akola

APPLICANT

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Paratwada Police Station, Amravati
Rural, Distt. Amravati
2. **Food Safety Office, Food and Drug**
Administration (M.S.) Amravati

NON-APPLICANTS

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

CORAM : URMILA JOSHI PHALKE, J.

DATED : 29.01.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent
of learned counsel for the parties.

3. The present application is preferred by the applicant for quashing of the First Information Report in connection with crime No.265/2024 registered with the non-applicant No.1-Police Station Paratwada District Amravati Gramin under Sections 188, 272, 273 and 328 of the Indian Penal Code and 59 of the Food Safety and Standards Act, 2006 and consequent charge-sheet No.122/2024 and consequent proceeding bearing RCC No.323/2024 pending on the file of Judicial Magistrate, First Class, Achalpur, District Amravati.

4. The crime is registered on the basis of the report lodged by the Gajanan Gore who is Food Safety Officer on an allegation that he received secrete information about transportation of banned/prohibited contraband articles he along with other police staff members intercepted the vehicle and during interception of the vehicles in truck bearing No.RJ 52 GA 3742 contraband articles worth Rs.67,18,750/- was found which was seized. During investigation the statement of the driver of the truck was recorded and on the basis of the statement of co-accused present applicant is shown as accused as receiver of the said contraband articles.

5. Heard learned counsel for the applicant who submitted that except the statement of co-accused, there is no material to show that applicant is the proposed purchaser of the said stock. The investigation though carried out nothing revealed from the investigation that present applicant is dealing with the contra band articles and therefore, statement of the co-accused is not admissible in evidence and on that basis continuation of the trial against applicant would be an abuse of the process of law.

6. Per contra, learned APP strongly opposed the said contentions and submitted that material seized from the main accused is huge in amount and considering the statement of co-accused the involvement of the present accused is revealed. Thus, prima-facie case is made out against the present applicant. In view of that application deserves to be rejected.

7. After considering the rival submissions and on perusal of the investigation papers which are placed on record for perusal it is clear that truck bearing No. RJ 52 CA 3742 was intercepted by Food and Safety Officer and other raiding party members and the huge quantity of contraband articles were seized from the truck

driver. During investigation the statement of the truck driver was recorded and except the statement of the truck driver there is absolutely no material collected during the investigation that the involvement of the applicant that he is proposed purchaser of the said contraband articles. It is well settled position of law statement of co-accused is not admissible to connect the accused.

8. 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 by the Investigating Officer. The prosecution further could not show that the applicant is the proposed purchaser of the said contraband articles. As such, in absence of the any material on record against the applicant prosecuting under the offences registered against him would be an abuse of process of law.

9. In view of that application deserves to be allowed.

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

ORDER

(i) The Criminal Application is allowed.

(ii) The First Information Report in connection with crime No.265/2024 registered with the non-applicant No.1-Police Station Paratwada District Amravati Gramin under Sections 188, 272, 273 and 328 of the Indian Penal Code and 59 of the Food Safety and Standards Act, 2006 and charge-sheet No.122/2024 and consequent proceeding bearing RCC No.323/2024 pending on the file of Judicial Magistrate, First Class, Achalpur, District Amravati is quashed and set aside to the extent of applicant Sheikh Israr Sheikh Jabbar.

11. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)