



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH: NAGPUR**

**CRIMINAL APPLICATION (APL) NO. 1582 OF 2025**

Wasim s/o. Akhtar Jimari,  
Aged 39 years, Occ.: Business,  
R/o. Near Memon Jamat Khana,  
Ambekar Layout, Chandrapur,  
Distt. Chandrapur.

**... APPLICANT**

**...VERSUS...**

1. State of Maharashtra,  
Through the Police Station Officer,  
Padoli Police Station, Chandrapur,  
Distt. Chandrapur.
2. Food Safety Officer,  
Food and Drug Administration (M.S.)  
Chandrapur.

**...NON-APPLICANTS**

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Mr. Sandeep Bamnote, Advocate h/f. Mr. S. A. Mohata, Advocate for Applicant.  
Ms M. A. Barabde, A.P.P for Non-applicant/State.  
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**CORAM: MRS. VRUSHALI V. JOSHI, J.**  
**JUDGMENT RESERVED ON: 16.04.2026**  
**JUDGMENT PRONOUNCED ON : 20.04.2026**

**JUDGMENT: -**

1. Heard.
2. **ADMIT.** The matter is taken up for the final disposal by consent of learned Counsel appearing for the parties.
3. On the basis of the complaint lodged by Girish Trimbakrao Satkar, the Food Safety Officer i.e., respondent No.1 has registered the Crime No.62/2025, for the offences punishable under Sections 123, 223,

274, 275 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 26(2)(i), 26(2)(iv), 30(2)(a) and 59 of the Food Safety and Standard Act, 2006.

4. On 16.05.2025, upon receiving information, Respondent No. 2 conducted a raid at M/s. Tushar Pan Material, during which 15.4 kilograms of contraband material, including scented tobacco and pan masala, were found stored for sale. The complainant, being a public officer, followed the requisite procedure under the Food Safety and Standards Act, and the contraband articles were seized. During the course of the investigation, the present applicant's name was revealed as the supplier of the said contraband articles. It was further found that the actions of the accused persons, including the applicant, the owner of the shop Tushar Vijay Longadge, and one employee working in the shop, namely Chetan Kannake, were in contravention of the Government Resolution dated 12.07.2024. Accordingly, offences under the relevant provisions of the Food Safety and Standards Act, as well as the Bharatiya Nyaya Sanhita, 2023, were made out against the accused persons.

5. The learned counsel for the applicant submitted that the applicant was not present at the spot. It was contended that the name of the applicant had been disclosed by the co-accused during interrogation, which was inadmissible in evidence. The applicant has placed reliance on the judgment of this Court in Criminal Application (APL) No. 968 of

2025 (*Namdev s/o Laxman Shevale v. State of Maharashtra and Anr.*), wherein this Court quashed the First Information Report against the applicant whose name had been disclosed by a co-accused. It was further submitted that, in the absence of any independent evidence and the case being based solely on the statement of the co-accused, the continuation of proceedings is untenable. Hence, it is prayed that the First Information Report registered against the present applicant shall be quashed.

6. The learned A.P.P. opposed the application submitting that the co-accused had disclosed the name of the applicant as the supplier of the contraband material. It was further contended that, during the course of investigation, it had been revealed that the applicant was indeed the supplier, and there exist bank transactions between the applicant and the co-accused, supported by documentary evidence. It was also stated that the CDR reports indicate that the accused persons were in contact with the applicant. The bank statements further show financial transactions between the applicant and the accused, and that the accused had supplied the material to several other persons and entities. In view of the aforesaid material, it was contended that a *prima facie* case is made out against the applicant. Hence, it was prayed to reject the application.

7. Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

8. Upon perusal of the investigation papers, it is revealed that,

during the raid, the co-accused were found in possession of contraband articles. They were accordingly questioned as to the source from whom the said contraband articles were procured, during which the name of the present applicant was disclosed. No doubt, the name of the applicant has been revealed by the co-accused; however, it is to be noted that the charge-sheet has now been filed. As per the law relating to quashing of the First Information Report, the Hon'ble Apex Court in the case of ***State of Haryana and others Vs. Bhajanlal and others*** reported in **1992 Supp. (1) SCC 335**, wherein principles have been laid down. Clauses (b) and (e) of the said principles read as under:

*“(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code”*

*“(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused”.*

9. As per the settled principles, upon considering the material collected by the non-applicant against the present applicant, it *prima facie* appears that there is sufficient material on record. The bank statements indicate financial transactions between the

applicant and the accused, which would require evidentiary proof during trial. The call detail records also show that the accused were in contact with the applicant. Although the name of the applicant was initially disclosed during interrogation, the subsequent material collected during the investigation *prima facie* establishes a case against the applicant. In view of the aforesaid, this is not a fit case for quashing the First Information Report at this stage. Hence, the application stands rejected.

(MRS. VRUSHALI V. JOSHI, J.)