



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

CRIMINAL APPLICATION (ABA) NO. 80 OF 2026
Kamlesh Chotelal Vanvasi Vs. State of Maharashtra

WITH
CRIMINAL APPLICATION (ABA) NO. 82 OF 2026
Vinod Kumar S/o. Ram Bahadur Vs. State of Maharashtra

AND
CRIMINAL APPLICATION (ABA) NO. 85 OF 2026
Kamal Mahesh Kumar Chotiya and another Vs. State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. A. Mohta, Advocate for applicant.
Shri S. B. Bissa, APP for non-applicant/State (ABA No. 80/2026 & 85/2026).
Shri N. S. Autkar, APP for non-applicant/State (ABA No. 82/2026).

CORAM :- M. W. CHANDWANI, J.

DATED :- 25.02.2026

Heard.

2. These application are arising out of the same crime i.e. Crime No. 5/2026 registered with Police Station Vadner, Dist. Wardha for the offences punishable under Sections 123, 274, 275, 223 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 r/w. Sections 26(1), 26(2) (iv), 27(3)(e), 3, 30(2)(a) and 59 of the Food Safety and Standards Act, 2006 and therefore, they are being disposed of by this common order.

3. Applicant- Kamlesh Chotelal Vanvasi in ABA No. 80/2026 is the cleaner, applicant- Vinod Kumar S/o.

Ram Bahadur in ABA No. 82/2026 is the Driver of the truck and applicants- Kamal Mahesh Kumar Chotiya and Kuldeep S/o. Mala Ram in ABA No. 85/2026 are the seller and the proposed purchaser of the contraband-scented tobacco, respectively.

4. Heard the learned counsel for the applicants as well as the learned APP for the State. I have gone through the case-diary.

5. The prosecution case is that API- Vijaysingh Gomlaadu of Police Station Vedner, Dist. Wardha intercepted a Truck bearing registration No. GT-27-TD-9916, which was being driven by the applicant in ABA No. 82/2026 and was assisted by the applicant in ABA No. 80/2026. During search of the Truck, contraband article- scented tobacco amounting approximately Rs.1,24,13,600/- was seized. The Truck was then taken to the Police Station, the Food Safety Officer was called and the First Information Report came to be registered. All the contraband scented tobacco found in the Truck was seized by the Police. However, the applicant in ABA No. 80/2026 and 82/2026 were allowed to go by the Police.

6. The entire contraband scented tobacco as well as the Truck have already been seized by the Police and nothing is required to be seized from the present applicants. In a case like this, seizure of the contraband

articles is crucial part of the investigation, which is already complete.

7. The applicants were protected by *ad-interim* order of this Court dated 05.02.2026. Under the dictum of this Court, they have attended the concerned Police Station and co-operated in the investigation. Therefore, in my view, custodial interrogation of the applicants may not be required.

8. Considering the above aspects, a case is made out for confirming the *ad-interim* protection granted to the applicants. Hence, the following order:-

i) The order dated 05.02.2026 grating *ad-interim* protection to the applicants is hereby confirmed on the same terms and conditions except condition no. iii).

ii) The applicants shall appear before the concerned Investigating Officer as and when directed and shall co-operate in the investigation.

iii) The application are disposed of accordingly.

(M. W. CHANDWANI, J.)