



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

CRIMINAL APPLICATION (ABA) NO. 347 of 2026

(Mohammad Hussain Gulaam Vs. State, thr PSO, PS Talegaon, Dist Amravati Gramin)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A.A. Naik, Senior Advocate a/b Mr. R.R. Deo, Advocate for applicant.
Mr. C.A. Lokhande, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 07.05.2026

Apprehending arrest, in connection with Crime No. 84/2026, dated 15.4.2026, registered with Police Station, Talegaon, Dist. Amravati Gramin, for the offences punishable under Sections 59 of the Food Safety Standards Act and under Sections 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita, 2023, the applicant is before this Court.

2. The FIR was lodged at the behest of Assistant Police Inspector attached to P.S. Talegaon. In short, it is the case in FIR that, the shop owned by the present applicant was raided, and several packets of scented tobacco were found. It was alleged that at the time of conducting raid, the accused Yogesh/employee of the applicant was present in the shop.

3. Heard Mr. A.A. Naik, learned Senior Advocate assisted by Mr. R.R. Deo for the applicant. The learned Senior Counsel has argued that prima facie case is not made out and custodial interrogation of the applicant is also not required since, the allegations in the FIR are that the shop owned by the applicant wherein the packets of prohibited scented tobacco/pan masala were

found at that time the employee of the applicant was present in the shop. He then contended that question regarding applicability of Section 328 of the IPC is still pending consideration before the Hon'ble Supreme Court. He therefore, prayed for grant of anticipatory bail to the applicant.

4. Per contra, the learned APP has opposed the application on the ground that the offence alleged is serious one and that the applicant has criminal antecedents. He submitted that the investigation is at preliminary stage. Therefore, he prayed for rejection of the application.

5. With the able assistance of the learned counsel for the respective parties, I have perused the case record and the FIR.

6. It is not disputed that the applicant was earlier involved in the three similar offences. If the orders passed by the Hon'ble Apex Court dated 07/05/2024 and 06/08/2024 are taken into consideration, same would reveal that the question regarding the applicability of Section 123 of the BNS is pending consideration. The order dated 06/08/2024 passed by the Hon'ble Apex Court also shows that the applicant in the Special Leave to Appeal (Crl.) was having three criminal cases registered against him. But considering the question regarding applicability of Section 328 of IPC i.e. 123 of the BNS, ad interim relief was granted.

7. This Court vide its order dated 30.4.2026 had granted ad-interim anticipatory bail to the applicant with a condition that he shall attend the police station and cooperate with the investigation. It is not disputed by the learned APP that the applicant had attended the police station and cooperated in the investigation. In the aforesaid

background, the following is order:

ORDER

- i) The Criminal Application is allowed.
- ii) In the event of arrest in connection with Crime No. 84/2026, dated 15.4.2026, registered with Police Station, Talegaon, Dist. Amravati Gramin, for the offences punishable under Sections 59 of the Food Safety Standards Act and under Sections 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita, 2023, the applicant namely, Mohammad Hussain Gulaam, be released on bail on furnishing a P.R. bond of Rs. 55,000/- (Rupees Fifty Five Thousand only) with one solvent surety in the like amount.
- iii) The applicant shall attend the concerned Police Station as and when directed by the Investigating Officer and cooperate.
- iv) The applicant shall not tamper with the prosecution evidence or threaten the prosecution witnesses.
- v) The applicant shall not leave India without prior permission of the Court.

(RAJNISH R. VYAS, J.)