



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

CRIMINAL APPLICATION (ABA) NO.365 OF 2026

Rajendra s/o Mahadevrao Thombare Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri S.A. Mohta, Advocate for applicant.
Shri N.R. Rode, APP for respondent/State.

CORAM : RAJNISH R. VYAS, J.

DATE : 08.05.2026.

1. Apprehending arrest in connection with Crime No.173/2026 registered with Police Station, Nandanwan, Nagpur for the offences punishable under Sections 123, 223(b), 274 and 275 of the Bharatiya Nyaya Sanhita, 2023 alongwith Section 26(1), 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and 59 of the Food Safety and Standards Act, 2006, the applicant has approached this Court.

2. The First Information Report (FIR) was lodged at the instance of the Food Safety Officer alleging that stock of scented tobacco was found from the house of accused Chetan Dodewar. He disclosed that same was purchased from the Parimal Grocery shop, which is run by the applicant.

3. In this background, the learned counsel for the applicant has submitted that the issue regarding applicability

of Section 123 of the BNS is pending before the Hon'ble Supreme Court for consideration. He submitted that in view of the nature of evidence available the applicant's liberty may be protected.

4. Per contra, the learned APP has contended that the applicant has criminal antecedents and offences of similar type are registered against him. He submitted that though the issue is pending, custody of the applicant is required for investigation. He prayed for rejection of the application.

5. With the assistance of the respective counsels, I have gone through the record of the case and given thoughtful consideration to the arguments advanced. The contraband article i.e. scented tobacco was not found in the premises owned by the applicant. It is on the disclosure statement made by the co-accused the applicant has been implicated. The incriminatory material is already seized and therefore, liberty of the applicant can be protected. Further issue regarding applicability of section 123 of BNS is pending before the Hon'ble Supreme Court. Hence, the following order is passed:

ORDER

- (i) The application is allowed and disposed of.
- (ii) In the event of arrest in connection with Crime No.173/2026 registered with Police Station, Nandanwan,

Nagpur for the offences punishable under Sections 123, 223(b), 274 and 275 of the Bharatiya Nyaya Sanhita, 2023 alongwith Section 26(1), 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and 59 of the Food Safety and Standards Act, 2006, applicant – **Rajendra s/o Mahadevrao Thombare** shall be released on bail on furnishing a PR bond of ₹25,000/- [Rupees Twenty Five Thousand only] with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station on 14th, 15th, and 16th May 2026 between 02:00 pm to 05:00 pm.

(iv) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.

(v) In case, the applicant commits similar offence, it would be a ground for the prosecution to move an application for cancellation of bail.

(vi) The applicant shall not leave the India without prior permission of this Court.

(Rajnish R. Vyas, J.)

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