



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1942 OF 2025

Sachin Nagraj Mhaske
VERSUS
The State Of Maharashtra

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- Mr. Nayan Ade, Advocate h/f. Mr. Sandip P. Rathod, Advocate for the Applicant
- Mr. A.A.A. Khan, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 13.11.2025

PER COURT :

1. The applicant is apprehending arrest in connection with FIR bearing Crime No. 422 of 2025, dated 07.10.2025, registered with Satara Police Station, Aurangabad for commissions of offences punishable under Sections 123, 223, 274 read with 275 of the Bharatiya Nyaya Sanhita, 2023 and Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of Food Safety and Standards Act, 2006.

2. The learned counsel for the applicant submits that the applicant was not present at the time when the Police Authorities conducted the raid. The police had arrested one *Jishan Kasim Shaikh*,

who was caught on spot, transporting contraband articles like tobacco and gutkha of the amount of Rs. 6,76,520/-.

3. It is submitted that the present applicant has been implicated merely on the statement of the arrested accused *Jishan*. The learned counsel, therefore, submits that the applicant has no criminal antecedents and therefore may be protected.

4. As against this, the learned APP vehemently opposes the application and submits that the present applicant was named by the arrested accused, who stated that he was acting under the directions of the present applicant to transport the said contraband tobacco to be delivered to various customers. It is further submitted that the custodial interrogation of the applicant is very much necessary to unearth the entire conspiracy, including the involvement of other persons in the transport, sale and possession of tobacco, which is prohibited in the State of Maharashtra.

5. After going through the First Information Report and the order passed by the learned Sessions Court rejecting the application, I am of the opinion that the custodial interrogation of the applicant would be necessary as the arrested accused – *Jishan* was merely a driver. However, he has specifically named applicant to be the master mind behind the commission of the offence for distribution within the State

of Maharashtra. The Commissioner of Food Safety has issued a notification, dated 16.07.2025, under Section 30 of the Food Safety and Standards Act, prohibiting the sale, possession and transport the tobacco and pan masala in the State of Maharashtra. The order dated 27.10.2025, passed by the Sessions Court also takes note of the criminal antecedents of the applicant, who is reported to be involved in ten (10) other identical offences relating to transport and possession of contraband gutka, which is prohibited in the State of Maharashtra. I am, therefore, not inclined to exercise discretion under Section 482 of BNS, 2023.

6. The Anticipatory Bail Application, therefore, stands **rejected**.

(MEHROZ K. PATHAN, J.)