

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1346 OF 2025

Yogesh Mahadeo Misal

.... Applicant

Versus

The State of Maharashtra

.... Respondents

Mr. Umesh R. Mankapure a/w Adv. Siyal F. Magdum, Mr. Om U. Mangave i/by Mr. Ravi Sinhasane, Advocate for the Applicant.

Ms. P.S. Rane, A.P.P., for the Respondent – State.

H.C. Mr. A.B. Yendage, Sangola Police Station - Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th SEPTEMBER, 2025.

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the Respondent – State.
2. The Applicant is apprehending arrest in C.R. No. 112 of 2025 registered with Pandharpur City Police Station, Tal. Pandharpur, District: Solapur, for the offences punishable under Sections 223, 274, 275 and 123 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS Act”), and Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006 (for short, “FSSA”).
3. It is prosecution’s case that on 16th February, 2025 police

intercepted one Bolero pickup vehicle. In search of the said vehicle, the police found Gutka more than Rs.11,20,000/-. It is alleged that the Applicant is the owner of the said vehicle and said Gutka belongs to him. It is alleged that the actual number of the said vehicle was MH-10-DT-4517, but the number plate was changed with another number plate i.e. MH-45-AX-0539.

4. It is contention of learned counsel for the Applicant that he has been falsely implicated in this case. The Applicant is not concerned with the seized muddemal from the custody of accused No.1. There is nothing to show that he is involved in the present crime. Learned counsel further submitted that the Gutka is already seized. There is nothing to be recovered from the Applicant. The Food Safety and Standards Act is an independent authority and has an independent procedure. Being a special Enactment, the provisions of BNS will not be attracted. Learned counsel further submitted that as per the view of Hon'ble Apex Court in the case of *The State of Maharashtra & Ors. Vs. Ganesh Pandurang Jadhao and Anr. in SLAP (Crl.) No.(s).5861 of 2020* and *The State of Maharashtra and Ors. Vs. Anand Ramdhani Chaurasia and Anr. SLAP (Crl.) No.(s).4101 of 2020* Section 328 of the Indian Penal Code, 1860 will not be applicable. There is no forcible action by the Applicant to administer the prohibited substance to any person.

Learned counsel further submitted that the Applicant was not aware who changed the number plate of vehicle, it might have been changed by the driver of the vehicle i.e. Accused No.1. Hence requested to allow the application.

He relied on *The State of Maharashtra & Ors. Vs. Ganesh Pandurang Jadhao and Anr. in SLAP (Crl.) No.(s).5861 of 2020* and *The State of Maharashtra and Ors. Vs. Anand Ramdhani Chaurasia and Anr. SLAP (Crl.) No.(s).4101 of 2020*.

5. It is contention of learned APP that police has seized Gutka more than Rs.11,00,000/-. The said Gutka belongs to the Applicant. The vehicle in which Gutka was found belong to the Applicant. The Applicant has two antecedents and one is of same nature. The Applicant has been released on bail in those offences and while on bail he has committed the same offence. Investigation is at primary stage. For investigation, custodial interrogation of the Applicant is required.

Learned APP further submitted that the said vehicle was used by changing number plate. As the Applicant is owner of vehicle, it is necessary to make investigation in respect of changed number plate. Hence, requested to reject the application.

She relied on Yellappa S/o. Devappa Tadsad and Ors. Vs. State of Maharashtra and Anr. in Writ Petition No.571 of 2021, and

Ek Nath Bhalchandra Patil Vs. The State of Maharashtra in ABA No.189 of 2023.

6. I have heard both learned counsel, perused F.I.R. and documents produced on record.

7. The allegations against the Applicant are that Gutka more than Rs.11,00,000/- found in vehicle belongs to him. He is owner of said vehicle and number plate of that vehicle is changed and a different number plate was used while committing crime. It is a serious offence. The Applicant cannot blame the Accused No.1 for the said offence, as he is the owner of the vehicle. Investigation is in progress, considering these facts, his custodial interrogation is required.

I have gone through the case laws cited by the learned counsel for the Applicant. The facts of the cited case and present case are different, hence not applicable and, I pass following order:

ORDER

- i. The application is rejected.

(SHIVKUMAR DIGE, J.)