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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2058 OF 2025**

Abubakar @ Abubhai ShabbirApplicant
Shaikh @ Hippargi

Vs.

The State of MaharashtraRespondent

Mr. Pratik Jadhav for the applicant
Mr. N. B. Patil APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER 2025

P.C.:

1. The anticipatory bail application of the applicant is rejected by the Addl. Sessions Judge, Pandharpur vide order dated 15th July 2025. Hence, this application is preferred before this Court by the applicant.

2. Applicant is apprehending his arrest in C.R. No. 352 of 2025 registered with Sangola Police Station, District: Solapur for offences punishable under Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) 59 of The Food Safety and Standard Act and Sections 123, 132, 223, 274, 275, r/w 3(5) of Bhartiya Nyaya Sanhita and Sec. 3, 1, 7 of Food product

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standard and Food additives and Sec. 2, 3, 4 of Prohibitions and Restrictions on Sales Regulation 2011.

3. It is the prosecution's case that on 2nd May 2025, on secret information, police had searched Mhaske Pan Shop, Sangola and in the said search, they found Gutkha. It is alleged that said Gutkha was purchased from the applicant.

4. It is the contention of learned counsel for applicant that applicant is resident of Karnataka and in Karnataka there is no ban on selling the Gutkha. Applicant was not aware that co-accused was taking the said Gutkha to Maharashtra. There is no involvement of the applicant in the said crime. Hence, requested to allow the application.

5. It is the contention of learned APP that applicant was aware that co-accused is carrying Gutkha in Maharashtra. In spite of that he sold Gutkha to co-accused. Considering the allegations against the applicant, his custodial interrogation is required. Hence, requested to reject the application.

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

Karnataka. There is no ban on selling Gutkha in Karnataka.

7. Considering these facts, custodial interrogation of the applicant is not required and I pass following order:

ORDER

I. In the event of arrest, applicant be enlarged on bail in C.R. No. 352 of 2025 registered with Sangola Police Station, District: Solapur on furnishing PR. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.

II. The applicant shall attend the concerned police station as and when required.

III. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

IV. Application is disposed of in above terms.

7. All concerned to act on authenticated copy of this order.

[SHIVKUMAR DIGE, J.]