

AGK

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

BAIL APPLICATION NO.2476 OF 2025

Akshay Sadashiv Gudekar

... Applicant

V/s.

The Senior Police Inspector, Kalwa

Police Station & Anr.

... Respondents

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Mr. Mateen Shaikh with Ms. Muskan Shaikh and Mr. Umair Ahmed for the applicant.

Mr. Prasanna P. Malshe, APP for the respondents-State.

Mr. R.V. Salvi, PSI, Kalwa Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 8, 2025

P.C.:

1. This is an application seeking regular bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 in connection with Crime Register No. 421 of 2025 registered with Kalwa Police Station for the offences punishable under Sections 123, 223, 274, and 275 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 26, 27, 30(2)(a), and 59 of the Food Safety and Standards Act, 2006.

2. As per the prosecution case, a TATA-S tempo bearing No. MH-04/LE-7602 was intercepted, from which a huge quantity of suspected banned tobacco products was recovered. Two types of tobacco packets were allegedly found: (i) Royal Blended Bajirao

worth ₹6 lakhs and (ii) Mastani Premium Chewing Tobacco worth ₹1.2 lakhs. It is alleged that the applicant/accused was found in possession of the said contraband but could not produce any legal documents or authorisation regarding its procurement, transportation, or intended sale. Consequently, a report was lodged with the police.

3. Learned advocate for the applicant submitted that the main allegation against the applicant is transportation of banned tobacco products. It is further submitted that the applicant has no criminal antecedents and is not involved in any similar offence in the past. It is argued that the applicant is a permanent resident and there is no risk of him absconding. It is also submitted that the applicant is ready to abide by any condition which this Court may impose. On these grounds, the applicant seeks his release on regular bail.

4. Learned APP has opposed the grant of bail. It is submitted that during investigation, the applicant has not been cooperating and is not revealing the name or source from whom the contraband was procured. It is further submitted that considering the serious nature of allegations and the possibility of the offence being part of a larger chain of illegal trade, the application may be rejected.

5. I have considered the rival submissions and perused the First Information Report, seizure panchnama, and other material placed on record. It appears from the record that the contraband was seized from a vehicle allegedly linked to the applicant. However, it

is pertinent to note that the offences in question, though not minor, are not of such gravity as to warrant prolonged custody of the accused when investigation can continue without his further detention. The applicant has been arrested on 20th May 2025 and has undergone substantial period of incarceration.

6. So far as the objection raised by the prosecution regarding non-cooperation is concerned, in my view, the same can be adequately addressed by imposing suitable conditions to ensure that the applicant remains available for investigation and does not tamper with evidence or influence witnesses. The presumption of innocence continues to operate in favour of the applicant at the pre-trial stage.

7. Moreover, the offence under the Food Safety and Standards Act, though punishable, primarily relates to regulatory violations, and the allegations are subject to further verification during trial. It is not the case of the prosecution that the applicant was caught manufacturing or distributing such tobacco products on a large scale. The recovery appears limited to transportation, and there is no material presently to link the applicant to any syndicate or organised illegal trade.

8. Considering all these aspects, particularly the fact that the applicant has no previous criminal record, the quantum and nature of contraband, and the period already spent in custody, I am of the view that the applicant has made out a case for grant of regular bail.

9. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.421 of 2025 registered with Kalwa Police Station for offences punishable under Sections 123, 223, 274, 275 of Bhartiya Nyaya Sanhita, 2023 and under Sections 26, 27, 59, 30(2)(a) of the Food Safety and Standards Act, 2006, upon furnishing cash bail in the amount of Rs.15,000/- (Rupees Fifteen Thousand Only).
- iii) The applicant shall, within a period of four weeks from the date of his release on cash bail, furnish one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall cooperate with the investigation and shall report the Kalwa Police Station on first and fifteenth day of every month between 10.00 a.m. to 12.00 noon for a period of three months from today; and thereafter shall make himself available for investigation as and when called for by the Investigating Officer.
 - b) The applicant shall not influence any of the witnesses directly or indirectly.
 - c) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - d) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.

- e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - f) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
4. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)