

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3924 OF 2025**

Kamlesh Aparval Yadav

...Applicant

Versus

State of Maharashtra

...Respondent

Mr Rammani Upadhyay, *for the Applicant.*

Ms Megha S Bajoria, *APP for the Respondent-State.*

Mr M M Khan, *PSI attached to Nayanagar Police Station,
present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 13TH OCTOBER 2025

PC:-

1. The Applicant, by way of the present Application, seeks his release on bail in connection with the FIR No.302 of 2025 dated 18th September 2025, registered with the Nayanagar Police Station, Mira Bhayandar, Vasai Virar Commissionerate, for the offences punishable under Sections 59, 30(2)(a), 27(2)(e), 26(2)(iv), 26(2)(ii), 26(2)(i) of the Food Safety and Standards Act, 2006 and Sections 275, 274, 223 and 123 of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. Facts of the case are that:-

2.1 The Applicant is alleged to have found in possession of Gutkha and Pan Masala worth Rs.2,330/- on a pan stall. The said Gutkha and Pan Masala were seized by drawing a seizure panchanama and thereafter, the FIR was registered. He made a bail application before the Special Judge (NDPS), Thane but by order dated 26th September 2025, the same was rejected. Hence, he has filed the present Bail Application.

3. Mr. Rammani Upadhyay, learned counsel appearing for the Applicant, submits that the offences as alleged, are not made out; the issue whether the Gutkha/Pan Masala are included as Psychotropic substances, is pending before the Supreme Court; the Applicant has suffered incarceration for about one month and he is the only bread winner in his family. He further submits that there are no antecedents against him and prays that the Application be allowed.

4. Ms. Megha Bajoria, learned APP representing the State, concedes that the issue whether the Gutkha/Pan Masala are included as Psychotropic substances, is pending before the Supreme Court, however, she resists the Bail Application.

5. Considering the submissions of Mr. Upadhyay, learned counsel appearing for the Applicant, that the Applicant has suffered incarceration for almost 2 months, the issue is pending before the Apex Court and also that he is the only bread winner in his family, I am inclined to grant bail to the Applicant and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two local sureties in the like amount;

ii) The Applicant is directed to furnish provisional cash bail of Rs.10,000/- for his release immediately and file an undertaking that he will

provide one or two sureties in the like amount of Rs.10,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) He shall attend the Police Station concerned every week, on Saturday, between 10 a.m. to 11 a.m., till the charge-sheet is filed and thereafter, once in a month, on the first Saturday of every month, between 10 am to 11 am, till the charges are framed;

iv) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned ;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

6. Application is allowed in the above terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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signed by
SHAMBHAVI
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