

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4073 OF 2025**

Mohammad Fahim Faza Rainy
@ Fahim Raza Rainy ...Applicant
Versus
State Of Maharashtra ...Respondent

**Mr. Imran Mohd. Salar Shaikh, i/b Amreen Imran Shaikh, for
the Applicant.**
Ms Manisha R Tidke, APP for the State-Respondent.

CORAM Dr. Neela Gokhale, J.
DATED: 13th NOVEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No.303 of 2025 dated 19th September 2025 registered with the Naya Nagar Police Station, District: Mira-Bhayandar, Vasai-Virar for the offences punishable under Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 59 of the Food Safety and Standards Act, 2006 and under Sections 123, 223, 274, 275 of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. Mr. Imran Shaikh, learned counsel appearing for the Applicant, submits that the charge-sheet is not yet filed in the Trial Court. Admittedly, the issue pertaining to the said offence, is pending before the Supreme Court.

3. The Applicant is found to be in possession of 1000 packets of *pan masala* valuing Rs.4,200/-. Same are seized by the Investigating Agency. The Applicant is in custody for almost 2 months and till date, charge-sheet is also not filed before the Trial Court. Since the contraband is already in the custody of the investigating officials, there is no question of tampering with the evidence.

4. In these circumstances, I am inclined to grant bail to the Applicant. Hence, the following order is passed:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/ with one or two local sureties in the like amount;

ii) The Applicant is permitted to furnish provisional cash bail of Rs.15,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.15,000/- 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) The Applicant shall attend the Police Station concerned, on the first Monday of every month between 09:00 a.m. to 11:00 a.m. till the charges are framed;

iv) The Applicant shall attend the Trial Court concerned on each and every date unless specifically 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 concerned Police Station;

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

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

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

6. 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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