

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3293 OF 2025

Ranjeet Kumar Krishnalal Jaiswal

...Applicant

V/s.

The Sr. Police Inspector and Anr.

...Respondents.

.....
Mr. Mateen Shaikh a/w. Mr. Arshad Shaikh and Mr. Muskan Shaikh
for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

.....
CORAM : N.R. BORKAR, J.
DATE : 02.12.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.544 of 2025 registered at Mankhurd Police Station for the offences punishable under Sections 123, 274, 275 of the Bharatiya Nyaya Sanhita, 2023 and Sections 59, 3, 30(2)(d), 26(2)(iv), 27(3)(e), 27(3)(d), 26(2) of the Food and Safety Standards Act, 2006.
3. On the basis of secret information, police conducted a raid on 13th November 2025 at an open space on Road No. 3, Ekta Nagar Mandala, Mankhurd, Mumbai, where the applicant and co-accused were allegedly selling the prohibited tobacco products. During the raid, police apprehended the co-accused and seized sacks containing prohibited tobacco products worth ₹38,000. It is alleged that the applicant, however, succeeded in running away from the spot.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. Learned counsel for the applicant submits that the offences under the Food and Safety Standards Act and Bharatiya Nyaya Sanhita cannot be invoked together. In support of his submission, learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of ***Ram Nath vs. The State of Uttar Pradesh¹***. It is further submitted that even otherwise the applicant has nothing to do with the alleged crime.

6. On the other hand, learned APP for the respondent/State submits that custodial interrogation of the present applicant is necessary to recover the prohibited tobacco products. It is submitted that the applicant is involved in one more crime of similar nature. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. The Hon'ble Supreme Court in the case of *Ram Nath vs. The State of Uttar Pradesh (supra)* **has observed thus:**

"21.
 We have no manner of doubt that by virtue of Section 89 of the FSSA, Section 59 will override the provisions of Sections 272 and 273 of the IPC. Therefore, there will not be any question of simultaneous prosecution under both the statutes."

8. Apart from it, the only material against the present applicant is disclosure statement of the co-accused. In that view of the

¹ Criminal Appeal No. 472 of 2012 with connected appeals decided on 21st February 2024.

matter, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No.544 of 2025 registered at Mankhurd Police Station for the offences punishable under Sections 123, 274, 275 of the Bharatiya Nyaya Sanhita, 2023 and Sections 59, 3, 30(2)(d), 26(2)(iv), 27(3)(e), 27(3)(d), 26(2) of the Food and Safety Standards Act, 2006, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.
- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

[N.R.BORKAR, J.]