IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

55 BAIL APPLICATION NO. 1616 OF 2026

Yogesh Kailas Lahane
VERSUS
The State Of Maharashtra And Another
...
Mr. Patekar Narendra B, Advocate for the Applicant
Mr. S. D. Ghayal, APP for the Respondent-State

CORAM : HITEN S. VENEGAVKAR, J.
Dated : 5th October, 2026

PER COURT :-

1. Heard learned Advocate for the applicant and learned APP for the State.

2. By the order dated 22.09.2026, this Court had directed the Chemical Analyzer's report to be obtained expeditiously so as to ascertain whether, the milk that was found to be dangerous for consumption contains any ingredients which attract the punishment for the offences alleged against the present applicant in Crime No. 355 of 2026 registered with Phulambri Police Station, District Chhatrapati Sambhaijnagar.

3. The report dated 07.09.2026 has been placed on record by the learned APP. The said report is issued by the office of the Assistant Commissioner for Food and Drug Administration, Chh. Sambhajinagar. The report dated 20.08.2026 is perused, which is issued by the Food

Analyst,Food and Drug Administration Laboratory, Chh. Sambhajinagar. It makes reference that the product has tested positive in the test for Formaline and it mentions that the said formaline may have been added as preservative. The standards requiring milk fat as per FSSAI manual and milk solids not fat along-with all the other parameters, the result is negative. Even the report specifically says that the test for skimmed milk powder is negative. The opinion given by the expert pertaining to the sample received refers that is a mixed milk declares it as sub-standard as per Chapter I, Section (3)(1) (zx) of the Food Safety and Standards Act, 2026 and its Regulations.

4. The absence of skimmed milk power from the sample, in my mind, prima facie, does not attract penal provisions of the Food Safety and Standards Act. The only provision that gets attracted for supplying substandard product is 3(1)(zx) read with section 51 of the Food Safety and Standards Act, 2026 and its Regulations. Perusal of the said provisions shows that there is fine provided which may extend up to Rs.5 lakhs, however, it does not mentions any penal provision in contravention of the said section. Taking into consideration the Chemical Analyzer's Report, I am inclined to allow the application. Hence the following order:

ORDER

(i) Bail Application No. 1616 of 2026 is allowed.

(ii) Applicant- shall be released on bail in Crime No. 355 of 2026 registered with Phulambri Police Station, District Chhatrapati Sambhajinagar for the offences punishable under sections 61, 111, 123, 274, 275, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 26, 27, 3(1)(zz)(vi), 59 of the Food Safety and Standard Act, 2026 on executing P.R. Bond of Rs.50,000/- (Fifty thousand only) with one or two solvent sureties in the like amount.

(iii) Undertaking be filed by the applicant that henceforth the product will be of permitted parameters and he will not indulge himself in any other offence violating the provisions of the Food Safety and Standard Act, 2026.

(iv) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(HITEN S. VENEGAVKAR, J.)

JPChavan