IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1902 OF 2026

Arun Pundalik Patil
VERSUS
The State Of Maharashtra

Mr. Shyam Mohta, Advocate for applicant
Mr. S. P. Joshi, APP for respondent-State

CORAM : R. M. JOSHI, J.
DATE : 06th OCTOBER, 2026

PER COURT :-

1. Applicant seeks interim protection in connection with Crime No. 0013 of 2026 registered with Dharangaon Police Station, Dist. Jalgaon, for the offences punishable under Sections 26(2)(i), 26(2)(iv), 27(1), 27(3)(d), 27(3)(e), 18 and 59 of the Food Safety and Standards Act and under Sections 123, 223, 274, 275 of the Bharatiya Nyaya Sanhita, 2023.

2. This is second bail application. First bail application came to be rejected by this Court by order dated 12.02.2026 passed in Anticipatory Bail Application No. 238 of 2026.

3. It is contention of the learned Counsel for the applicant that the present application has been filed after filing of the charge sheet and

as such there is change in the circumstance. According to him, during the course of investigation, nothing is brought on record to connect applicant with the crime except for the alleged statement of co-accused. He placed reliance on the judgment of Hon'ble Supreme Court in case of ***P. Krishna Mohan Reddy v. State of Andhra Pradesh AIR OnLine 2025 SC 511***. He referred to the observations made by the Supreme Court in paragraph Nos. 37 and 38 thereafter.

4. Learned APP opposed grant of any protection to the applicant by submitting that the observations made by this Court in the order rejecting pre-arrest bail are sought to be reviewed. It is his contention that though charge sheet has been filed, now, there is no change in the circumstance factually in terms of evidence collected during the course of investigation. Since the applicant is insisting for interim relief, this Court is required to consider as to whether applicant would be entitled to seek any such relief.

5. There is no dispute about the fact that this Court by order dated 12.02.2026 passed in Anticipatory Bail Application No. 238 of 2026 made following observations :-

> *Taking into consideration the say of the prosecution, it is revealed that apart from being involved in earlier criminal offences of identical nature relating to the sale, transport, and supply of Gutka and Pan Masala in the State of Maharashtra, the Applicant has been*

specifically named as supplier of contraband by the arrested co-accused, Pradip Patil, who was found in possession of the contraband seized during the raid conducted by the police authorities. A huge quantity of Pan Masala and Gutka of various companies, valued at approximately Rs. 50 Lakhs, has been seized. Such a huge quantity of banned Pan Masala and Gutka being supplied in the State of Maharashtra, despite being banned under the notification issued by the Commissioner of Food and Safety, constitutes a serious offence which requires thorough investigation. The criminal antecedents of the Applicant, involving identical crimes of sale and transport of Gutka and Pan Masala in the State of Maharashtra, is one of the factors though not the sole factor for declining the grant of anticipatory bail to the present Applicant, as there is every likelihood that the Applicant may again indulge into identical crimes. The Applicant has thus failed to make out any case for exercise of discretion under Section 482 of BNSS, 2023 for grant of anticipatory bail. Accordingly, the application stands rejected.

6. A perusal of these observations indicates that this Court has considered the statement of the co-accused for the purpose of establishing the involvement of the applicant in the investigated crime. Furthermore, considering that previous offences of a similar nature have been committed by the applicant, this Court found it fit to reject the grant of bail. This order was taken exception before the Hon’ble Supreme Court unsuccessfully. Now, question arises before this Court as to whether there is substantial and material change in the circumstances. It is settled position that mere filing of the charge sheet itself is not change in the circumstances in all cases. In order to call a substantial change

there must be change in respect of evidence collected during the course of investigation after rejection of previous bail. No such change appears in this case. Moreover, afore stated observations made by this Court in earlier order clearly indicate that the said observations would have application even after filing of the charge sheet.

7. The filing of subsequent applications is permissible only if there is substantial change in the circumstance. Except for the fact that charge sheet is filed, there is no change in the facts and other circumstances since rejection of previous bail application. Now, in considered view of this Court, allowing this application would amount to reviewing this Court's order dated 12.02.2026 which is wholly impermissible in law. Furthermore, it would be in conflict with the order of the Hon’ble Supreme Court, as it has already confirmed the said order. Moreover entertaining subsequent application in the facts of the case, would amount to encourage parties to do forum humting. Thus, this is not a case to grant interim relief to the applicant.

8. Since the interim relief is refused, this Court has no option but to dismiss the application. As such, the application stands dismissed.

(R. M. JOSHI, J.)

B. S. Joshi