



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 184 OF 2026

Sudam Vitthal Shinde

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for Applicant : Mr. Bhosale Mahesh Kalidas
APP for Respondents: Mrs. P.J. Bharad.

CORAM : MEHROZ K. PATHAN, J.

DATE : 27th APRIL, 2026.

P.C. :-

1. The applicant has approached this Court seeking anticipatory bail in connection with Crime No. 451 of 2025 registered with Kallam Police Station, District Dharashiv for the offences punishable under Sections 123, 274, 275, 223 of the Bhartiya Nyaya Sanhita and under Section 59 of the Food Safety and Standards Act.

2. Mr. Bhosale, learned counsel for the applicant submits that the applicant is falsely implicated in the present crime. The applicant is alleged to have thrown the bag containing contraband Gutka, Pan Masala and scented tobacco worth Rs. 22,450/-. The applicant is not having any criminal antecedents and is deliberately roped in the present crime without any evidence of involvement of the applicant. The applicant is a cancer patient suffering from Cancer and taking treatment and was not even present on the date of incident. However, for unknown reasons, the applicant is being shown as a prime accused in the present crime. The

applicant is ready to abide by any conditions that may be imposed. Hence, the applicant may be released on bail.

3. As against this, the learned APP Mrs. Bharad vehemently opposes the application on the ground that the applicant is involved in a serious offence punishable under Section 123 of the Bhartiya Nyaya Sanhita. The applicant is specifically named in the FIR to have thrown the bag containing the contraband. The applicant has violated the policy adopted by the State Government to prohibit the contraband. The Commissioner has issued a notification under Section 30 of the Food Safety and Standards Act thereby prohibiting sale, transfer and transportation of Gutka, Pan Masala and Scented Tobacco within the State of Maharashtra. The applicant, if released on bail, may again commit offences of identical nature. Hence, the application may be rejected.

4. I have gone through the investigation papers made available by the learned APP. The contraband worth Rs. 22,450/- is seized from the spot. The applicant appears to have been named on suspicion and on the basis of secret information. The record shows the applicant is suffering from Cancer and is being treated for Squamous Carcinoma. The applicant is not reported to be having any criminal antecedent of identical nature. The applicant is ready to abide by any conditions. Hence, I am inclined to protect the applicant as the custodial interrogation of the applicant does not seem to be necessary. The apprehension of the learned APP can be taken care of by putting stringent conditions. Hence, the following order :-

ORDER

[a] In the event of arrest of the applicant, in connection with Crime No. 451 of 2025 registered with Kallam Police Station, District Dharashiv for the offences punishable under

Sections 123, 274, 275, 223 of the Bhartiya Nyaya Sanhita and under Section 59 of the Food Safety and Standards Act the applicant Sudam Vitthal Shinde, be released on bail on furnishing PR Bond in the sum of Rs. 50,000/-, with one or more sureties in the like amount, on the following conditions :-

[i] The applicant shall attend the concerned police station and report to the Investigating Officer on 5th, 6th, 12th, 13th May, 2026 and thereafter, as and when called by the Investigating Officer and shall cooperate with the investigation.

[ii] The applicant shall not tamper with the prosecution evidence.

[iv] A single offence under Section 123 of the Bhartiya Nyaya Sanhita shall entitle the prosecution to seek cancellation of bail or shall result in vacation of the interim relief.

[v] The applicant shall submit his Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of his near relatives and his current address.

[vi] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-