



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 238 OF 2026

ARUN PUNDALIK PATEL

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Barde Parag Vijay

APP for Respondents/State : Mr. P. D. Patil

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CORAM : MEHROZ K. PATHAN, J.

DATE : 12th FEBRUARY 2026

PER COURT :

1. The Applicant has approached this Court seeking anticipatory bail in Crime No.13/2026 dated 24.01.2026 registered with Dharangaon Police Station, District Jalgaon for the offences punishable under Sections 26(2)(iv), 27(1), 27(3)(d), 27(3)(e), 18, 59 of Food Safety and Standards Act, 2006 and under Sections 123, 223, 274, 275 of Bharatiya Nyaya Sanhita, 2023 .

2. The case of the prosecution is that the First Informant, Sharad Pawar, Food Safety Officer, Food and Drug Department, Jalgaon, on Saturday, 24.01.2026, at about 03:00 p.m., received a phone call from A.P.I. Prashant Madhukar Kandare of Paldhi Outpost under Dharangaon Police Station, requesting him to take further action in respect of prohibited food items at the above-mentioned place. Accordingly, the First Informant appeared at the said place for further action. At that place, A.P.I. Prashant Madhukar Kandare and other police officials were present. As per the letter given by the

police administration in this case, it was found that a vehicle carrying prohibited food items had been seized on the road in Savada Shivar and brought to the premises of Paldhi Outpost Police Station in the same condition. The First Informant showed his identity card to the driver of the vehicle, Mahindra FURIO bearing registration no. MH19CY6972, and introduced himself as Food Safety Officer, Jalgaon, in the presence of others. The said vehicle driver stated his name as Pradeep Bhatu Patil, aged 49 years, residing at Tahakli, Taluka Dharangaon, District Jalgaon, Mobile No. 8830216655, Aadhaar No. 428195970736, and confirmed that he himself was the driver of the vehicle Mahindra FURIO bearing registration no. MH-19-CY-6972. Thereafter, when the gate lock of the container of the said vehicle was opened in the presence of both the Inspectors and the police staff present, a stock of “Vimal” branded fragrant pan masala and “V-1” branded fragrant tobacco was found packed in khaki and white colored HDPE bags. When the vehicle driver was questioned about the said stock, he did not provide any information. During inspection, the First Informant found that the said vehicle was illegally transporting for sale a stock of substances prohibited under the order of the Hon’ble Commissioner of Food and Drug Administration, State of Maharashtra, published in the Gazette of the Government of Maharashtra dated 16.07.2025. The prohibited substances valued at Rs. 73,22,264/- were found in the said vehicle.

. When the representative packets from the said stock were opened and first smelled, fragrant pan masala and fragrant tobacco were found inside. When the said stock was inspected, the stock

mentioned above was found in the stock.

. The said stock was kept in the custody of API, Paladhi Outpost Police Station, Tal. Dharangaon, Dist. Jalgaon for safety. Also, the said driver was handed over to Paldhi Police Station, Tal. Dharangaon, Dist. Jalgaon for further action. As per the order dated 16.07.2025 of Commissioner Food and Drug Administration, Maharashtra State, Mumbai, published in the Gazette Extraordinary Part Four C of the Government of Maharashtra, it is prohibited in the state for a period of one year from 16.07.2025.

. Therefore, the person transporting the said food items for sale for human consumption, namely Pradeep Bhatu Patil, aged 49 years, residing at Tahakali, Taluka Dharangaon, District Jalgaon, Mobile No. 8830216655, has violated the provisions of the Food Safety and Standards Act, 2006 and the Rules and Regulations, 2011, as well as the Indian Penal Code, by transporting them in the vehicle Mahindra FURIO bearing registration no. MH-19-CY-6972. A complete investigation must be conducted, tracing the supply chain from the accused, Pradeep Bhatu Patil (driver), up to the level of the manufacturer. Such investigation is necessary with the aim of stopping the illegal trade of prohibited food items in the State. Accordingly, Crime No. 13/2026 under Sections 26(2)(iv), 27(1), 27(3)(d), 27(3)(e), 18, and 59 of the Food Safety and Standards Act, 2006, and under Sections 123, 223, 274, and 275 of the Bharatiya Nyaya Sanhita, 2023, has been registered at Dharangaon Police Station, District Jalgaon, on 24.01.2026 against the accused, Pradeep Bhatu Patil.

3. The learned Counsel for the Applicant submits that the Applicant was not named in the FIR. The driver, Pradip Patil, was arrested at the spot where the contraband was found. The vehicle has already been seized. The Applicant is named only on the basis of the statement of the co-accused, Pradip Patil. The Applicant has no concern with the said crime and has been wrongly implicated only with the intention of falsely involving him in cases relating to the supply of Gutka. The Applicant is ready to abide by any conditions that may be imposed by this Court. Hence, the Applicant may kindly be released.

4. The learned APP strongly opposes the present application on the ground that the Applicant is a history-sheeter, having indulged in identical offences relating to the supply of Gutka in various other police stations. The Commissioner of Food and Safety has issued a notification prohibiting Pan Masala and Gutka. The driver of the vehicle, Pradip Patil, along with the owner of the vehicle, Pankaj Pankesh, were arrested and subsequently released on bail. During the custody of accused no.1/Pradip Patil, the name of the present Applicant was revealed as one of the major suppliers of contraband Gutka, which is prohibited for sale and transport in the State of Maharashtra under the notification issued by the Commissioner of Food and Safety under Section 30 of the Food Safety and Standards Act. The offence is serious in nature. The State Government is making concerted efforts to control the menace of supply of Gutka and Pan Masala in the State of Maharashtra. However, due to the acts

of the present Applicant, these prohibitions are being flouted brazenly, resulting in the supply of Gutka to consumers and traders across the State. The custodial interrogation of the Applicant is therefore necessary to unearth the entire crime relating to the sale of Gutka in the State of Maharashtra.

5. I have gone through the investigation papers. The perusal of the FIR as well as the say of the prosecution filed by the State during the pendency of the bail application before the Trial Court, together with the order dated 02.02.2026 and the investigation papers, it appears that the Applicant is involved in earlier identical crimes relating to the supply of contraband Pan Masala and Gutka in the State of Maharashtra, despite the same being prohibited. The offences registered against the Applicant are as under :

- (i) Crime No.30/2024 at Chopda City Police Station for the offences punishable under Sections 328, 272, 273, 188, 109, 34 IPC. Dated 29.01.2024.
- (ii) Crime No.399/2024 at MIDC Police Station for the same aforesaid offences.
- (iii) Crime No.279/2024 registered at Muktainagar Police Station for the same offences for supply of Pan Masala and Gutka in the State of Maharashtra.

6. The learned Counsel for the Applicant Mr. Barde relies upon the judgment of the Hon'ble Supreme Court in the case of **Prabahakar Tewari vs. State of Uttar Pradesh, reported in AIR Online 2020 SC 96**, on the point that criminal antecedents by themselves would not be sufficient to deny the protection of anticipatory bail to

a person whose role is not made out in the crime. 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.

MEHROZ K. PATHAN
JUDGE