



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

73 ANTICIPATORY BAIL APPLICATION NO. 382 OF 2026

Nitin Vijaykrishna Mahajan,
Age; 45 years, Occ; Business,
R/o; Near Old Bus Stand, Sendhwa,
Tq. Sendhwa, Dist. Barwani (M.P.)

...APPLICANT

VERSUS

The State of Maharashtra
Through Shahada Police Station.
Shahada, District Nandurbar.

...RESPONDENT

...
Advocate for Applicant : Mr. Kulkarni Suniket Anil and Ms. Jakhade
Rutuja L.
APP for Respondents/State : Mr. P.D. Patil

...

CORAM : MEHROZ K. PATHAN, J.
DATE : 06.04.2026.

PER COURT :

1. Heard the learned counsel for the respective parties.
2. The applicant is seeking anticipatory bail in connection with Crime No. 35 of 2026 registered with Shahada Police Station, District Nandurbar, for the offence punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and Sections 26 (2), 26 (4) and 30 (2) (a) of the Food Safety and Standards Act, 2006.

3. The case of the prosecution is that the raid was conducted upon secret information received by the Police Station Shahada that the contraband Pan Masala and Ghutka was being transported in the bus bearing No. MH-20-D-9913, which arrived at Shahada Bus stand. Upon conducting raid the accused Vishal Jain was arrested along with contrabands in gunny bag.

4. The said arrested accused had revealed the name of the present applicant as supplier from where the contraband was allegedly purchased. Thus the FIR came to be registered against the accused.

5. The learned counsel for the applicant submitted that the applicant is the supplier of the scented tobacco and scented betel nuts and license to that effect is issued in the name of the Sheetal Supari Store by the Food and Drug Department Government of Madhya Pradesh.

6. The license was issued in the name of the present applicant and it is also placed on record to show that since the scented tobacco and betel nuts pan masala is not prohibited in the Madhya Pradesh. The applicant is running license issued by the Government. The arrested accused Vishal Jain has revealed name of

the present applicant, who is arrested in the present crime. The applicant is not having any criminal antecedents, wherein, he had been allegedly earlier transporting and selling stocking prohibited contraband in the State of Maharashtra. The applicant is having deep roots in the society and ready to abide by any of the conditions imposed by this Court. Hence, the applicant may be released on anticipatory bail.

7. As against this, the learned APP strongly opposed the application on the ground that the applicant is supplier of the contraband which is prohibited in the State of Maharashtra, in pursuance of the directions issued by the Commissioner under Section 30 of the F.S.S. Act, 2006, the custodial interrogation of the applicant is necessary to find out how many people are involved in supplying and transporting the scented tobacco and scented Pan Masala in the State of Maharashtra, despite issuance of notification under Section 30 by the Commissioner of Food and Safety department. Hence, the custodial interrogation of the applicant is necessary, and therefore, prayed that the application may be rejected.

8. I have gone through the investigation papers made available by the learned APP. On perusal of the investigation papers, it shows that the investigation is almost complete. The arrested

accused Vishal Jain had revealed name of the present applicant. The charge-sheet is already filed against the arrested accused Vishal Jain. So far as, the present applicant is concerned, there is license placed on record issued in the name of applicant by the Government of Maharashtra, wherein, the said contraband is not prohibited. The applicant is not having any criminal antecedents with no earlier allegations of transportation, sell or stocking of contraband in the State of Maharashtra. The apprehension of the learned App that the applicant is residence of Madhya Pradesh and if he is released on bail, he may not be available for trial, can be taken care by imposing stringent conditions that may be imposed on the applicant. Thus, taking into consideration the nature of the allegations against the applicant, the applicant being the license holder for the sale of the contraband, therein in the State of Madhya Pradesh, I am inclined to exercise discretion vested under Section 482 of the Bhartiya Nagari Suraksha Sanhita, 2023 to protect the applicant by imposing certain conditions. Hence, the following order :

ORDER

(1) The Anticipatory Bail Application is allowed.

(2) In the event of arrest of the Applicant - Nitin Vijaykrishna Mahajan in connection with Crime No. 35 of 2026 registered with Shahada Police Station, District Nandurbar, for the offence punishable under Sections 188,

272, 273, 328 of the Indian Penal Code and Sections 26 (2), 26 (4) and 30 (2) (a) of the Food Safety and Standards Act, 2006, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties in the like amount, on the following conditions :

(i) The Applicant is directed to attend Shahada Police Station, District Nandurbar on 15th, 16th, 22nd and 23 and 29, 30th in between 11:00 am. to 01:00 p.m. and co-operate with the Investigating Officer and thereafter as and when called by the Investigating Officer till filing of the supplementary charge-sheet, if any.

(ii) The applicant shall not tamper with the prosecution witnesses.

(iii) The Applicant shall submit his Adhar Cards and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(iv) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

(v) With the aforesaid directions, the application is disposed of.

(MEHROZ K. PATHAN, J.)