

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 119 OF 2026

Basayya Gurayya Zalaki @ Zalakimath

.....Applicant

VERSUS

The State Of Maharashtra And Anr.

.....Respondents

Mr. Onkar R. Waghule i/b Mr. Adinath Jagtap, for Applicant.

Ms. Priyanka S. Rane, APP, for the Respondent-State.

API, Mr. Amol K. Mane, Akkalkot South Police Station, present.

CORAM : RANJITSINHA RAJA BHONSALE, J.

DATE : 26th MARCH, 2026.

P.C.

1. The learned Advocate for the Applicant submits that the Applicant was merely the driver of the vehicle in which pan masala and scented tobacco were found. He further submits that the Applicant has no criminal antecedents. He would further submit that the Applicant is the driver in employment. That, the question of applicability of Section 123 of the of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS") is under consideration before the Hon'ble Supreme Court of India.

2. Learned APP seeks time to take instructions and to file an affidavit regarding the status of the investigation.

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3. The issue regarding the applicability of Section 123 of the BNS is pending before the Hon'ble Supreme Court of India.
4. In view of the aforesaid submissions, and considering that the learned APP seeks time to take instructions, the Applicant be protected in terms of prayer clause (C).
5. The Applicant is directed to attend the concerned police station on 30th and 31st March, 2026 between 11:00 a.m. to 2:00 p.m., and thereafter as and when called by the Investigating Officer.
6. Stand over to 2nd April, 2026.

(RANJITSINHA RAJA BHONSALE, J.)