

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.299 OF 2026**

Safiuddin Badruddin Khan	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Tuushar Sonawane, *for the Applicant.*
Mr. Mayur S. Sonavane, *APP for the Respondent - State.*
GPSI – Mohan Parab, ANC Crime Branch, Thane, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 29TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 943 of 2025 dated 23rd December, 2025 registered with the Kalva Police Station, for the offences punishable under Sections 59, 27(2) and 26(2) of the Food Safety and Standards Act, 2006 and Sections 275, 274, 223 and 123 of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**').

2. It is alleged that on the basis of secret information the police officials and its team intercepted a vehicle carrying Pan Masal and Tobacco, value of which being Rs.6,48,000/-. The Applicant herein is stated to be the driver of the vehicle. Pursuant to the FIR being registered, the Applicant was arrested on 23rd December, 2025.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Thane, however, by order dated 9th January, 2026, the said Application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Tuushar Sonawane, learned counsel for the Applicant, submits that save and except the offence punishable under Section 123 of the BNS, all other offences are bailable. Moreover, this Court has already held that mere possession, transportation, storage or sale of Pan Masala packets would not attract Section 328 of the IPC (Section 123 of the BNS) and the said issue is now pending before the Supreme Court.

5. The Applicant was arrested on 23rd December, 2025 and has suffered incarceration for 1 month and 3 days.

6. Mr. Mayur Sonavane, learned APP representing the State, fairly concedes that the matter is pending before the Supreme Court.

7. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month, i.e. on First Saturday between 11:00 a.m. to 02:00 p.m., till conclusion of the trial;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)