

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 705 OF 2026**

Adnan Siraj Ahamad Shaikh ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Abhinav Kashinath Utekar *a/w Ravi Gupta, for the Applicant.*
Mr. Mayur Sonavane, *APP for the State-Respondent.*
PSI – D. R. Jadhav, *Mira Road Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 20th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 20 of 2026 dated 15th January, 2026 registered with the Mira Road Police Station, District Mira Bhayandar, Vasai Virar, for the offences punishable under Sections 123, 223, 272, 275 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 26(2), 26(4) and 30(2)(a) of the Food Safety and Standard Act,

2006 and Section 7 of the Prohibition of Electronic Cigarettes Act, 2019.

2. The Applicant made an application seeking bail before the Additional Sessions Judge, Thane, however, by order dated 29th January, 2026, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

3. Mr. Abhinav Utekar, learned counsel for the Applicant, pointed out that the issue is pending before the Supreme Court. He submits that the Applicant has suffered incarceration for the past one month. 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.

4. Mr. Mayur Sonavane, learned APP representing the State, states that the charge-sheet is not yet filed and the Applicant has antecedent in similar offences.

5. Considering that the issue pending before the Supreme Court, 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.35,000/ 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 holds a passport, he 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.

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

7. 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)