

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

BAIL APPLICATION NO.809 OF 2026

Mohammad Samir Azamatullah Shaikh @

Samir Azamtullah Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Abhinav Utekar, *with Ravi Gupta, for the Applicant.*

Mr. Mayur Sonavane, *APP for the Respondent-State.*

Mr. Lande, *PSI attached to Kashigaon Police Station, MBVV,
present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 26th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 0034 of 2026 dated 27th January 2026 registered with the Kashigaon Police Station, Mira Bhayander Vasai Virar Commissionerate for the offences punishable under Sections 184 of the Motor Vehicles Act, 1988; Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(2)(e), 30(2)(a), 59 of the Food and Safety Standard Act, 2006 and

Sections 223, 274, 275 and 123 of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The case of the prosecution, in brief, is that, on receipt of a secret information, the Police Officials of Kashigaon Police Station intercepted two vehicles. Gutkha substances worth Rs.17,04,586/- were recovered from both the vehicles. The present Applicant was driving Maruti Breeza bearing No.MH-48/AK-2274. The said vehicle alleged to have used for transportation of Gutkha substance worth Rs.7,81,296/-. Hence, the Applicant came to be arrested on 29th January 2026 pursuant to registration of an FIR.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, Thane. However, by order dated 12th February 2026, his bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Abhinav Utekar, learned counsel appearing for the Applicant, submits that except the offence punishable under Section 123 of the BNS, all other offences are bailable. It is also submitted that 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 BNS) and the said issue is now pending before the Supreme Court.

5. The Applicant was arrested on 29th January 2026 and has suffered incarceration for about two months.

6. Mr. Mayur Sonavane, learned APP representing the State in the matter, 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 Police Station concerned once in a month, i.e., on first Saturday between 11:00 a.m. to 02:00 p.m. till the conclusion of the trial;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- 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. The Bail 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)

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