

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

BAIL APPLICATION NO. 1824 OF 2026

Afridi Mohram Ali Shah Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Tushar Sonawane for the Applicant.
Ms. Veera Shinde, APP for the Respondent – State.

CORAM: SHYAM C. CHANDAK, J.

DATED : 16th JUNE, 2026

1) Present Application seeking release of the Applicant on bail in C.R.No.441/2026 registered with Mumbra Police Station, Thane for offences punishable under Sections 26(2)(iv), 27(3)(d), 59 and 30(2)(a) of The Food Safety and Standards Act, 2006 and Sections 274, 275, 123, 3(5) of the Bharatiya Nyaya Sanhita, 2023 on the report filed by Aruna Jagannath Veerkayde.

2) Heard Mr. Sonawane, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent – State. Perused the record.

3) The prosecution case is that on 26/03/2026, the police intercepted a tempo bearing Registration No.MH-04-MR-8336 which was driven by the Applicant at the toll naka, Mumbra, Ambernath West. Then, the police searched the tempo. Prohibitory pan masala and tobacco worth Rs.24,37,200/- were found in the said tempo. The said goods were seized. Accordingly, the FIR was filed which led to registration of the aforesaid crime. Immediately, the Applicant came to be arrested. The Bail

Application filed by the Applicant came to be rejected by the Sessions Court on 15/04/2026.

4) Mr. Sonawane, learned Counsel for the Applicant submitted that there is no material on record to show that the seized goods were belonging to the Applicant. The Applicant was merely the carrier of the goods. The investigation related to the Applicant is over. Further detention of the Applicant will not serve any purpose. The Applicant has no criminal antecedents. The question of applicability of Section 123 of B.N.S in such cases is pending consideration before the Hon'ble Supreme Court in SLP (Crl.) No.4101/2020.

5) In the wake of the above, the Applicant is entitled for bail. Hence, following Order :-

(i) Applicant – Afridi Mohram Ali Shah be released on bail in C.R.No.441/2026 registered with Mumbra Police Station, Thane for offences punishable under Sections 26(2) (iv), 27(3)(d), 59 and 30(2)(a) of The Food Safety and Standards Act, 2006 and Sections 274, 275, 123 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The Applicant shall mark his attendance at Mumbra Police Station, Thane on 1st day of each calendar month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

(vii) If there is breach of any of the aforesaid conditions, the prosecution will be at liberty to seek cancellation of Applicant's bail.

6) Bail Applications stand disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

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