

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 287 OF 2026

Anil D. Sidhwani
V/s.
The State of Maharashtra

...Applicant
...Respondent.

.....

Adv. Hitesh Anil Phulwani for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent/State.
API Rupali Karkande, Manpada Police Station is present.

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CORAM : N.R. BORKAR, J.
DATE : 03.02.2026.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.1182 of 2025 registered at Manpada Police Station for the offences punishable under Sections 59, 30(2)(a), 27(3)(d), 3(1)(zz)(iv), 26(2)(iv), 26(2)(i) of the Food and Safety Standards Act, 2006 and Sections 275, 274, 223 and 123 of the Bharatiya Nyaya Sanhita, 2023.
3. On 8th October 2025, on the basis of secret information, a raid was conducted at Rington Paan Shop, Taloja Road, Khoni, opp. Palava Gate No.3, Dombivali (East) and the co-accused was found to be selling the prohibited tobacco products. It is alleged that the prohibited tobacco products worth Rs.19,275/- were found in his

possession. It is alleged that during investigation, it was found that the said prohibited tobacco products were purchased by the said co-accused from the present applicant.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. Learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the offences under the Food and Safety Standards Act and Bharatiya Nyaya Sanhita cannot be invoked together. In support of his submission, learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of ***Ram Nath vs. The State of Uttar Pradesh***¹.

6. Learned counsel for the applicant has further submitted that the prosecution has already filed the charge-sheet against the present applicant and therefore there is no need of custodial interrogation.

7. On the other hand, learned APP for the respondent/State submits that the applicant is involved in one more crime of similar nature. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

8. The Hon'ble Supreme Court in the case of *Ram Nath vs. The State of Uttar Pradesh (supra)* **has observed thus:**

¹ Criminal Appeal No. 472 of 2012 with connected appeals decided on 21st February 2024.

"21. We have no manner of doubt that by virtue of Section 89 of the FSSA, Section 59 will override the provisions of Sections 272 and 273 of the IPC. Therefore, there will not be any question of simultaneous prosecution under both the statutes."

9. Apart from it, the only material against the present applicant is the statement of the co-accused to the police. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No.1182 of 2025 registered at Manpada Police Station for the offences punishable under Sections 59, 30(2)(a), 27(3)(d), 3(1)(zz) (iv), 26(2)(iv), 26(2)(i) of the Food and Safety Standards Act, 2006 and Sections 275, 274, 223 and 123 of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.
- C) The applicant shall not commit any other crime.

[N.R.BORKAR, J.]