

ANTICIPATORY BAIL APPLICATION NO.468 OF 2026

Mr. Prajakt M. Arjunwadkar a/w Jui Gharat for the Applicant.
Mr. V. N. Sagare, APP for the Respondent-State.
PSI P. J. Patil, Palghar PS is present.

CORAM : N.R. BORKAR, J.
DATE : 24TH FEBRUARY 2026

P.C. :

1. This is an Application for anticipatory bail.
2. The Applicant is apprehending his arrest in Crime No.297 of 2025 registered at Palghar Police Station for the offences punishable under Sections 123, 223, 275 of the Bharatiya Nyaya Sanhita, 2023 and Sections 26(2), 26(4), 27(3)(b), 27(3)(e), 30(2)(a) of the Food and Safety Standards Act, 2006.
3. It is the case of the prosecution that on 8th December 2025, on the basis of secret information, a raid was conducted at the premises in possession of the Applicant and other co-accused and the prohibited tobacco product, viz., Gutka worth Rs.2,38,680/- was recovered from the said premises.

4. I have heard Learned Counsel for the Applicant and 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 nothing is to be recovered at the instance of the Applicant and therefore there is no need of custodial interrogation. It is further submitted that there are no other criminal antecedents against the present Applicant.

6. On the other hand, Learned APP for the Respondent-State submits that there is material to show that the present Applicant and other co-accused were in possession of the premises in question. It is submitted that considering the nature of crime, the Applicant may not be released on anticipatory bail.

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

“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.”

8. There are no other criminal antecedents against the Applicant. In that view of the matter, I am inclined to release the Applicant on anticipatory bail. Hence, the following order:-

ORDER

- i. The Anticipatory Bail Application is allowed.
 - ii. In the event of the arrest of the Applicant in Crime No.297 of 2025 registered at Palghar Police Station for the offences punishable under Sections 123, 223, 275 of the Bharatiya Nyaya Sanhita, 2023 and Sections 26(2), 26(4), 27(3)(b), 27(3)(e), 30(2)(a) of the Food and Safety Standards Act, 2006, he shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
 - iii. The Applicant shall attend the concerned Police Station as and when called for by the investigating officer and shall co-operate in the investigation.
9. The Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)