

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

ANTICIPATORY BAIL APPLICATION NO. 568 OF 2026

Yasin Istiyak Ahmad Shaikh	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr. Tohid Shaikh, Advocate for the Applicant.
Mr. B. V. Holambe Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 06.03.2026.

P.C. :

1. This is an application for Anticipatory Bail.
2. The applicant is apprehending his arrest in Crime No. 34 of 2026 registered at Kashigaon Police Station, for the offences punishable under Sections 123, 223, 274 & 275 of the Bharatiya Nyaya Sanhita, 26(2)(i), 26(2)(ii), 26(2)(iv), 27(2)(e), 30(2)(a) & 59 of the Food Safety and Standard Act & Section 184 of the Motor Vehicles Act.
3. On 27.01.2026, on the basis of secret information, two vehicles bearing registration Nos. MH-48-AK-2274 & GJ-15-CF-3925 were intercepted on the Ahmedabad-Mumbai Durgati Road near Fountain Hotel and prohibited tobacco products worth

Rs.17,04,586/- were found in the possession of the co-accused in the present crime. The allegation against the applicant is that the said prohibited tobacco products were supplied by the present applicant.

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

5. The Hon'ble Supreme Court in the case of **Ram Nath vs. The State of Uttar Pradesh**¹ 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."

6. Apart from it, the only material against the present applicant is disclosure statement of the co-accused. There are no other criminal antecedents against the present applicant. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

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

ORDER

- a) The Application is allowed.
- b) In the event of arrest of the applicant in connection with Crime No. 34 of 2026 registered at Kashigaon Police Station, for the offences punishable under Sections 123, 223, 274 & 275 of the Bharatiya Nyaya Sanhita, 26(2)(i), 26(2)(ii), 26(2)(iv), 27(2)(e), 30(2)(a) & 59 of the Food Safety and Standard Act & Section 184 of the Motor Vehicles Act, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- c) The applicant shall attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.

[N.R.BORKAR, J.]