



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION(APL) NO. 1070 OF 2026

*(Hameed Yakub Isani Vs. State of Maharashtra through Police Station officer,
Ousad Police Station, Pusad Dist. Yavatmal)*

WITH

CRIMINAL APPLICATION(APL) NO.1058 OF 2026

*(Shazad Khan Akbar Khan Vs. State of Maharashtra and anr. through Police
Station officer, Vasant Nagar Police Station, Nagpur(City) Dist. Yavatmal and
anr.)*

WITH

CRIMINAL APPLICATION(APL) NO.1078 OF 2026

*(Rajendra Mahadevrao Thombare Vs. State of Maharashtra and anr. through
Police Station officer, Nandanwan Police Station, Nagpur(City) Dist. Nagpur
and anr.)*

WITH

CRIMINAL APPLICATION(APL) NO.770 OF 2025

*(Hamid Yakub Isani Vs. State of Maharashtra and anr. through Police Station
officer, Vasant Nagar Police Station, Nagpur(City) Dist. Yavatmal and anr.)*

Office notes, Office Memoranda of
Coram, appearances, Court's orders,
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.S.A.Mohta counsel for the applicants.
Mr. N.S.Autkar, APP for the State.

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATE: 06/05/2026

Common order

1. The facts of the present applications arise out of separate incidents;
the common legal issue involved in all the matters is covered by the
judgment of this Court in Criminal Application (APL) No.1776 of 2025.
***(Mohammad Bilal Moammad Yakub and anrs Vs. State of
maharashtra and anrs.)*** decided on 24/04/2026. Therefore, in view of the

observations made therein, the respective FIRs, charge-sheets and consequential criminal proceedings initiated against the applicants deserve to be quashed and set aside; all these applications are decided by a common order.

2. The applicants in the present applications have approached this Court for quashing and setting aside the offences registered against them punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code and Sections 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita, along with Sections 26(1), 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and 59 of the Food Safety and Standards Act, 2006 read with the Food Safety and Standards Rules, 2011.
3. The contraband articles were seized upon receipt of information, and thereafter a complaint was lodged by the complainant, namely the Food Safety Inspector. Offences under the relevant provisions of the Indian Penal Code were also registered against the applicants.
4. In brief, the prosecution case across the present applications arises out of separate incidents involving alleged possession, transportation, storage and sale of prohibited food articles in contravention of State Government notifications. In Criminal Application No.770/2026, the case originates from an incident dated 04/10/2022, wherein one accused was apprehended near Naik Pharmacy College, Digras, while allegedly selling contraband tobacco from a motorcycle, and during inquiry disclosed the name of the applicant as supplier, leading to filing of charge-sheet dated 28/08/2024; however, the implication of the applicant is stated to be based solely on disclosure, raising issues as to the existence of any *prima facie* material. In Criminal Application No.1058/2026, the prosecution relies on

an incident dated 04/10/2023, wherein the applicant was allegedly found transporting prohibited food articles from a motorcycle near Digras Road, Pusad, followed by investigation and filing of a charge-sheet dated 28/08/2024, culminating in Sessions Case No.95/2024, which is presently *sub judice*.

5. In Criminal Application No.1078/2026, the allegations pertain to a raid conducted on 28/01/2026 at a kirana shop of the applicant, where prohibited food articles were allegedly found and seized pursuant to State notification dated 16/07/2025, forming the basis of the prosecution *inter alia*. In Criminal Application No.1070/2026, the prosecution case arises from a raid conducted on 18/01/2026 at a godown allegedly belonging to the applicant near Madina Masjid, followed by registration of Crime No.95/2026 dated 03/02/2026 and there is no charge-sheet filed in Criminal Application No.1078 of 2026. In all the cases, the prosecution proceeds on the footing that the applicants acted *mens rea* in contravention of statutory provisions under the Indian Penal Code/Bharatiya Nyaya Sanhita and the Food Safety and Standards Act, 2006.
6. Learned counsel for the applicant submitted that the present issue is covered by the judgment of this Court in Criminal Application (APL) No. 1776 of 2025. It was contended that, in view of the observations made therein, the provisions of the Indian Penal Code would not be attracted when a special enactment governs the field. Furthermore, it was argued that the mandatory procedure prescribed under the Food Safety and Standards Act, 2006, was not followed while registering the FIR.

7. In view of the observations made by this Court in Criminal Application (APL) No.1776 of 2025 (**Mohammad Bilal Moammad Yakub and anrs Vs. State of maharashtra and anrs.**) decided on 24/04/2026:-

- FIR No. 450/2023 and Session no. 95/2024 (registered with Police Station Vasant Nagar, District Yavatmal)
- FIR vide crime no. 95/2026 and RCC no. 102/2026 (Police Station Pusad Shahar, District Yavatmal)
- FIR No. 48/2026 herein the charge sheet has not been filed with connection with crime no.48/2026 (Police Station Nandanvan, District Nagpur,)
- FIR vide crime 450/2023 and session case 95/2024 (registered with Police Station Vasant Nagar, District Yavatmal)

All the above stated charge-sheets and First Information Reports lodged under sections 123, 223, 274 and 275 of IPC and punishable under sections 26 (2) (i), 26 (2) (iv), 27 (3) (e), 3(1)(zz), (iv) and 59 of the Food Safety and Standards Rules are hereby quashed and set aside.

8. All the applications are allowed in the above terms and disposed of.

JUDGE