

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

ANTICIPATORY BAIL APPLICATION NO.1828 OF 2015

Abdul Aziz Babu Mansuri @
Abdul Aziz Babu @ Ajju Mamu @ Shaikh ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Tushar N Sonawane, Adv. for Applicant.
Mr. S S Pednekar, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 3rd December, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.I 27 of 2015 registered at Pawarwadi Police Station, Malegaon for the offences punishable under Sections 3(c), 7 (c) of the Essential Commodities Act, 1955.

2. Heard Mr. Sonawane, the learned counsel for the applicant. He submits that the report of Tahasildar reveals that the sugar which was seized from the said godown belonged to one Balaji Traders who had a valid license. He has submitted that the sugar has already been returned to Balaji Traders after verifying the license and the relevant documents. The learned counsel for the applicant submits that the FIR does not disclose that any contraband goods were recovered or seized from the godown. He contends that the applicant is not involved in committing any crime and hence the applicant is entitled for bail.

3. The learned APP for the State has submitted that the applicant had illegally stored the sugar, in his godown in violation of the provisions under the Essential Commodities Act. He has submitted that a separate crime is already registered against the applicant for possessing and storing contraband goods.

4. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that on 4th October, 2015 the police authorities and Tahasildar had raided the godown owned by the applicant and had seized sugar worth approximately Rs.7,65,000/-. In the course of the investigation, it was revealed that the sugar was owned by one Balaji Traders. The license of the same was in the name of Bhalchandra Soni. The investigation further revealed that one Ravindra, son of said Sohoni was running the business. Said Ravindra had produced all the relevant documents before the police authority as well as the Tahasildar. Upon verification, the authorities were satisfied that M/s. Bhalchandra Soni, were holding a valid license and that there was no contravention of provisions of essential commodities Act. Consequently, the sugar which was seized from the godown of the applicant was released in favour of said Ravindra Sohoni. Considering these facts, prima facie the allegations levelled against the applicant do not constitute offence under Section 3 (c) and 7 (c) as alleged.

5. It is to be noted that though the FIR indicates that some 'Gutkha' bags were also seen in the godown, the present crime does not relate to the possession or sale of contraband goods. Hence the

applicant cannot be declined anticipatory bail in this crime mainly on the ground that some other crime is registered against him in respect of possession of contraband goods.

6. Under the circumstances and in view of the discussion supra the application is allowed on the following terms.

1. In the event of arrest of the applicant in Crime No.I 27 of 2015 registered at Pawarwadi Police Station, Malegaon, the applicant shall be released on bail bond of Rs.20,000/(Rupees Twenty Thousand Only) with one or two sureties in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Malegaon.
2. The applicant shall report to the investigating officer for 4 days from 10 am to 1 pm and further as and when required by the investigating officer for the purpose of the interrogation.
3. The applicant shall not tamper with the evidence or influenced complainant and witnesses in any manner.
4. The applicant shall not leave Nashik district without prior permission of JMFC, Malegaon.

(ANUJA PRABHUDESSAI, J.)