

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2138 OF 2016**

Mr. Macchindra Eknath Pawar,  
Age : 42 years, Occu.: Agril & Business,  
R/o. Sawargaon, Tq. Yeola,  
District : Nashik .. Applicant

**Vs.**

The State of Maharashtra  
Through Police Inspector,  
Vaijapur .. Respondent

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Mr. R.F. Totala, Advocate for the applicant  
Mr. S.D. Ghayal, A.P.P. for the respondent-State  
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**CORAM : INDIRA K. JAIN, J.**  
**DATE : 02/05/2016**

**ORDER :**

This is an application for pre-arrest bail in crime no. II-46 of 2016 registered at Vaijapur Police Station, Dist. Aurangabad for the offences punishable under sections 3 and 7 of the Essential Commodities Act and sections 130(1)(3) r/w. 177 of the Motor Vehicles Act.

2. Heard Mr. Totla, learned counsel for applicant and Mr. Ghayal, learned A.P.P. for State. Perused papers of investigation.

3. It is the case of prosecution that on receiving secret information regarding transportation of rice in black market, Police apprehended the 407 Tempo on Vaijapur-Yeola road. The inmates of vehicle Shailesh and Bhaginath informed Police that 98 rice bags of 50 kg each were being transported from the fair price shops to the shop of applicant at Lasalgaon. The bags were containing name "Bharat Sarkar". Those bags were seized by competent authority/Tashildar.

4. As alleged in FIR, rice was being transported to Lasalgaon. Applicant has placed on record copy of license of his shop. It shows that shop is situated at Savargaon in Taluka Yeola.

5. Further, it appears that 98 bags of rice which were being transported came to be seized. Tempo in which the bags were being carried, is also seized. Statements of material witnesses have been recorded. In such circumstances, custodial interrogation of applicant would not be necessary. Applicant is a businessman having no past antecedents.

6. Considering the nature of offences and since

custodial interrogation of applicant is not required, this Court is inclined to allow the application in the following terms :-

(i) Criminal Application No. 2138 of 2016 is allowed.

(ii) In the event of arrest of applicant in crime no. II-46 of 2016 registered at Vaijapur Police Station, Dist. Aurangabad for the offences punishable under sections 3 and 7 of the Essential Commodities Act and section 130(1)(3) r/w. 177 of the Motor Vehicles Act, he be released on bail, upon his executing P.B. and S.B in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) each.

(iii) The applicant shall not tamper with the prosecution evidence and shall make himself available as and when required for further investigation/interrogation.

**[INDIRA K. JAIN]**  
**JUDGE**

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