

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

Criminal Application No. 4433 of 2016

District : Aurangabad

1. Dinesh Bhaskar Bagade,
Age : 35 years,
Occupation : Business,
R/o. Pachod,
Taluka : Paithan,
District : Aurangabad.

2. Sk. Yunus Sk. Ajijdada,
Age : 34 years,
Occupation : Business,
R/o. Koli Bodkha,
Taluka : Paithan,
District : Aurangabad.

.. Applicants.

versus

The State of Maharashtra,
Through Investigating Officer,
CIDCO MIDC Police Station,
Aurangabad.

.. Respondent.

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Mr. N.B. Khandare, Advocate, for applicants.

*Mr. S.B. Yawalkar, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 19TH SEPTEMBER 2016

ORAL ORDER:

Applicants / accused who are accused in

Crime No. I-248/2016 for offences punishable under Section 3 read with Section 7 of the Essential Commodities Act, 1955, registered with Police Station, MIDC CIDCO, Aurangabad, at the instance of P.S.I. Sandip Vishwanath Shinde, by this application, are seeking pre-arrest bail.

2. Heard the learned Counsel appearing for applicants / accused as well as the learned Addl. Public Prosecutor appearing for the respondent / State.

3. The learned Addl. Public Prosecutor opposed the application by contending that the license produced by the applicant / accused expired long back and documents supplied by applicants showing ownership over bags of rice are suspicious. The learned Addl. Public Prosecutor submits that sample of the seized rice is sent to the revenue officers.

4. Perused the FIR as well as papers of investigation. A Police squad accosted a truck carrying bags containing 16 Tones of rice. Suspecting that rice to be subsidized rice meant for public distribution system, the truck as well as bags of rise are seized and the FIR came to be registered.

5. The learned Addl. Public Prosecutor is unable to point out even an iota of evidence to show

that the seized bags of rice are owned by the State and it is a subsidized food grain meant for public distribution system.

6. In this view of the matter, custodial interrogation of present applicants is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The order dated 18th August 2016, granting ad interim anticipatory bail to applicants, is confirmed on the same terms and conditions. In addition, applicants shall attend concerned Police Station on 25th September 2016, in between 11.00 a.m. and 01.00 p.m. and they shall cooperate the Investigating Officer in investigation of the crime in question.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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