

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.274 OF 2017

Dilip P. Jadhav vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Aashish Pawar i/by Ramesh Lad for the Applicant.
Mr. P.N.Dabholkar,APP. for the State.

CORAM :A.S.GADKARI, J.

DATE : 14th December, 2017

P.C.

1. It is the prosecution case that the respondent department conducted raid at a factory namely CAC Trans Logistics situated at Rahanal, Tal. Bhiwandi, District Thane on 31.12.2016. It was revealed that, though the said factory was permitted to manufacture chemical namely Chlorl Hydrate powder under the licence issued under the Poisons Act, 1919, the said licence had expired on 31.3.2016. The applicant and other accused persons continued to manufacture the said chemical without licence. It is submitted that the applicant is the owner of the said factory and he had given the said premises on leave and licence basis to accused Nos.1 to 5 and in

fact the said five accused persons were conducting the business of manufacturing the said chemical therein. Section 6 of the Poisons Act, 1919 prescribes a maximum punishment of three months for first conviction. Section 6(c)(i) prescribes maximum sentence with imprisonment for a term which may extend to three months and fine which may extend to five hundred taka, or with both on first conviction.

2. It further appears from the scheme of the Act that the offence committed under the said Act is not a cognizable offence. In view thereof the applicant deserves to be protected by way of pre arrest bail.

3. In view of the above, the interim relief granted by an order dated 28.4.2017 is hereby confirmed. However, condition to attend the Investigating Officer is waived.

4. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)