

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

BAIL APPLICATION NO.3024 OF 2019

Vipul Premchand Shah

... Applicant

Vs

The State of Maharashtra

... Respondents

...

Mr. Girish Kulkarni with Dr. D.S.Hatle, Mr. Pritesh Burad,
Mrs. Madhuri Gamre and Mr. Sameer Hatle i/by PBA
Advocates for the Applicant.

Ms. Rutuja Ambekar, APP for the Respondent-State

CORAM : SANDEEP K. SHINDE J.

DATE : 5th NOVEMBER, 2019

P.C. :

Heard learned counsel for the applicant and the
learned APP for the State.

2 Applicant came to be arrested on 16th October,
2019 in crime registered under Sections 25(1)(2)(3) of the
Fertiliser Control Order, 1985 read with Sections 3 and 7 of
the Essential Commodities Act, 1955. It appears Section
420 read with Section 34 of the Indian Penal Code, 1860
has been added in the said crime.

3 On 29th September, 2019, District Quality Control Inspector, Thane Office inspected godown at Bhiwandi of Sai Shraddha Agency. One Mr. Vilas Dagdu Patil and Mr. Amol Pawar were managing the said agency at Bhiwandi. On inspection, substantial quantity of urea fertiliser was found stored in the said godown. Mr. Patil did not produce licence for storage of urea. It appears godown was used for storing fertilisers by one Kishorbhai. It also appears that Kishorbhai has business at Belgaum and goods/urea was brought from Belgaum to Bhiwandi for storage. It is the prosecution case that such unauthorised storage of urea is in contravention of Fertiliser Control Order, 1985.

4 Mr. Kulkarni, the learned counsel for the applicant submits that when the investigating team had been to Belgaum for investigation, they found one challan of applicant's company, M/s. Akash Agro Chemicals Private Limited.

5 The learned APP submits that applicant's company is engaged in the business of purchasing and distributing urea which is unauthorisedly stored in the godown of Sai Shraddha Agency at Bhiwandi. The learned APP seeks time for further instructions.

6 Offence under Sections 3 and 7 of the Essential Commodities Act, 1955 read with Section 25(1)(2)(3) of the Fertiliser Control Order, 1985 is punishable with imprisonment for three months. Applicant is in custody since 16th October, 2019. Except challan, which was allegedly found during the course of the investigation and the search at Belgaum, prima-facie, there is no other material which warrants to detain the applicant in custody furthermore.

7 That for the reasons stated hereinabove, application is allowed and the applicant is directed to be released on bail on the following terms and conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) He shall attend Narpoli police station twice in a week commencing from 11th November, 2019 between 11 to 1 p.m. till the conclusion of trial;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

(viii) He will produce books of accounts as and when called by the Investigating Officer and such other documents.

8 The application is accordingly disposed of.

9 It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10 All concerned to act on the authenticated copy of this order.

(SANDEEP K. SHINDE, J.)