

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

963 ANTICIPATORY BAIL APPLICATION NO.584 OF 2021

Prakash s/o. Pitambar Patil,
Age- 43 years, Occu. Agri.
R/o. Varul, Taluka : Shindkheda,
District : Dhule.

.. APPLICANT

VERSUS

The State of Maharashtra,
through the Inspector,
Shindkheda Police Station, Shindkheda,
Tq-Shindkheda, District:Dhule.

..RESPONDENTS

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Mr.B.R.Waramaa, Advocate for the applicant.
Mr.V.S.Badakh, APP for the respondent-State.

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**CORAM: MANGESH S. PATIL, J.
DATE : 24.06.2021.**

P.C.

This is an application under Section 438 of the Criminal Procedure Code as the applicant is apprehending arrest in connection with the Crime No.19/2021 registered with Shindkheda Police Station, Shindkheda, District Dhule, for the offence punishable under Section 7 (a), (c) and (d) of the Seeds Act, 1966, under Rule 10 of the Seeds Rules, 1968, under Section 3 of the Seeds [Control] Orders, 1983, under Section 3 and 9 of the Essential Commodities Act and under Section 8 of the Environment Act, 1986.

2] It is being alleged that the applicant was found in possession of 20 packets of the sub-standard quality cotton seeds which were meant for selling to the farmers. During seizure, he was unable to furnish any explanation or the information as to wherefrom had he procured these seeds. These were 20 packets of seeds without the name of the manufacturer. Selling such seeds would cause prejudice to the farmers and who may have to suffer losses. Accordingly, the FIR was lodged by the Seeds Inspector and the offence was registered.

3] I have heard the learned Advocate for the applicant as also learned APP.

4] As far as the quality and standard of the seeds seized from the house of the applicant is concerned, there could be some report regarding those being sub-standard. However, question is as to if there is *prima facie* material to demonstrate that the applicant was dealing in such substandard seeds and had stocked them in order to sell them to the farmers.

5] As can be seen from the papers of the investigation, there are no antecedents about the applicant's involvement in the similar crime. Similarly, there are no statements of any villagers to show that the applicant has been dealing in such seeds. In fact, even there are no

statements of any villagers saying that they were to purchase or the applicant had promised to sell them the seeds.

6] As has been pointed out by the learned Advocate for the applicant, going by the revenue record the applicant owns and possesses extensive land wherein cotton is being cultivated.

7] It is in view of the above state-of-affairs, custodial interrogation of the applicant does not seem to be imperative.

8] The application is allowed. In the event of arrest of the applicant in connection with the Crime No.19/2021 registered with Shindkheda Police Station, Shindkheda, District Dhule, for the offence punishable under Section 7 (a), (c) and (d) of the Seeds Act, 1966, under Rule 10 of the Seeds Rules, 1968, under Section 3 of the Seeds [Control] Orders, 1983, under Section 3 and 9 of the Essential Commodities Act and under Section 8 of the Environment Act, 1986, he shall be released on bail on his executing personal recognizance for an amount of Rs.15,000/- [Rs. Fifteen Thousand] and furnishing a solvent surety in the like amount, subject to following conditions:

- (a) He shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate him.

- (b) He shall not tamper the evidence or influence the witnesses.

[MANGESH S. PATIL, J.]

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