

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**23 ANTICIPATORY BAIL APPLICATION NO.1272 OF 2021**

SAYED SOHLE SAYED MAHMOOD  
VERSUS  
THE STATE OF MAHARASHTRA

...

Mr. Mayur Salunke, Advocate for the applicant.  
Mr. A.V. Deshmukh, A.P.P. for respondent - State.

...

CORAM : **PRAKASH D. NAIK, J.**

DATE : 29-11-2021

**ORDER :**

1. The offence is registered vide Crime No.941 of 2021 with MIDC Waluj Police Station, Aurangabad for the offences punishable under Sections 3 and 7 of Essential Commodities Act.

2. The prosecution case is that the bio-diesel was found to have been stored at Sajapur by the accused violating the provisions of law. The accused No.1 had let-out the premises to one Shaikh Arbaz Shaikh Noor on rent. The accused No.1 is the owner of the premises. It is alleged that accused Nos.3, 4 and 5 had illegally stored the bio-diesel in violation of the provisions of Essential Commodities Act. The owner of the premises Syed Irfan Syed Hasan has been granted anticipatory bail by the Sessions Court by order dated 8<sup>th</sup> October, 2021. The person, to who the premises was let-out namely Arbaj haikh Noor has not been implicated as an accused. Syed Irfan Syed Hasan has been granted anticipatory bail on the

ground that the premises were not in his possession and it was rented out. Learned counsel for the applicant contended that only on the inference that applicant is the owner of the premises, he was implicated in this case.

3. It is apparent that accused No.1 Syed Irfan Syed Hasan, who was owner of the premises, was granted anticipatory bail. Accused Nos.3, 4 and 5, who were allegedly involved in storing the bio-diesel were arrested and granted bail.

4. Learned A.P.P. submitted that the custodial interrogation of the applicant is necessary. He is the only source from whom the information necessary for investigation of the crime can be collected.

5. It is pertinent to note that the persons who were found at the place where bio-diesel was stored, were arrested immediately. The owner of the premises has been granted anticipatory bail. In these circumstances, on the basis of the surmises the applicant cannot be subjected to custodial interrogation. The applicant was granted interim protection by order dated 28<sup>th</sup> October 2021. The same can be confirmed. Hence, I pass the following order.

### **ORDER**

- (i) ABA No. 1272 of 2021 is allowed.
- (ii) The interim order dated 28<sup>th</sup> October 2021 is confirmed.

- (iii) In the event of arrest of the applicant in connection with Crime No.941 of 2021 registered with MIDC Waluj Police Station, Aurangabad, the applicant be released on bail on executing P.R. Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount.
- (iv) The applicant shall appear before the Investigating Officer on 08.12.2021, 09.12.2021 and 10.12.2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for, till filing of the charge-sheet.

6. The application stands disposed of.

**(PRAKASH D. NAIK, J.)**

*VD\_Dhirde*