

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

ANTICIPATORY BAIL APPLICATION NO.3111 OF 2021

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Kunal Jigneshbhai Shah

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Aniket Nikam i/by Amit Icham, for the Applicant.

Mr. Ajay Patil, APP for the Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : 22nd DECEMBER, 2021

PC.

1. Applicant is seeking pre-arrest bail in Crime No.717 of 2019 registered with Narpoli Police Station, district Thane for the offence punishable under Sections 19(a), (c), (i)(ii)(iv), 20, 21(a), 28(1)(d) of the Fertilizer (Control) Order, 1985, Sections 3(1), 3(2)(a), 3(2)(d), 3(2)(g), 3(2)(f), 7, 10(1), (2) of the Essential Commodities Act and Sections 379, 420 r/w 34 of IPC

2. The prosecution case is, the Neem Coated Urea meant for consumption/utilization for agriculturists/farmers is procured illegally by the applicant and sold in market terming said to be a Technical Grade Product contrary to the Stop Sale Order dated 25th November, 2019.

3. The submissions of Mr. Nikam are that what has been

procured and supplied by the applicant is Technical Grade Urea and not Neem Coated Urea.

4. So as to substantiate the same, he has produced on record tax invoices.

5. Learned APP opposed the prayer.

6. In the investigation, name of the applicant is cropped up who has procured Neem Coated Urea meant for consumption/ utilization by the farmers for agricultural activity. The said Urea is provided at subsidized rate and co-accused contrary to the Stop Order supplied the same to the traders through whom the applicant is benefited. The co-accused has specifically named the applicant. The report of the chemical analyzer also substantiated case of the prosecution.

7. That being so, *prima-facie* involvement of the applicant can be inferred. No case for bail is made out.

8. As such, application stands rejected.

[NITIN W. SAMBRE, J.]