

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

31 ANTICIPATORY BAIL APPLICATION NO. 1156 OF 2022

SHAIKH MOULA S/O NAWAJ SAB
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondent-State : Mr. V. M. Kagne

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CORAM : S. G. MEHARE, J.
DATED : 19 SEPTEMBER 2022

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent State.
2. The offence has been registered by the police punishable under Sections 3 and 13 of the Insecticides Act, 1968, Rules 16, 19, 6, 9, 10 (4-A)(i) of the Insecticides Rules, 1971, under Clauses 8, 11, 19, 21, 35 of the Fertilizer (Inorganic, Organic or Mixed) (Control) Order, 1985, under Sections 3 and 7 of the Essential Commodities Act, 1955 and under Section 34 of the IPC.

3. The applicant has a case that he was the sales executive in the company Modern Nutraceuticals Pvt. Ltd. He has no role to play in committing or breaching the provisions of law. He was to market the products of the said company. He was not concerned with the manufacturing. Whatever products are supplied to him, he was to market those products. Considering his role, the prosecution has no case for custodial interrogation.

4. The learned APP has opposed the application contending that the names of the directors of the Modern Nutraceuticals Pvt. Ltd. are yet not discovered. They are residents of other State. The applicant is the only person who has knowledge about their residence and business place. Therefore, his custodial interrogation is required.

5. Considering the job of the applicant, it appears that he was marketing for the company as per the business norms. He has no concern with the manufacturing, labelling and complying with other provisions of the relevant laws. The main culprits, the

directors of the New Modern Agro Enterprises, Bangalore, Research Agro Product Limited, Bangalore and Bharat Crop Care, Gujarat are yet not arrested and their whereabouts are unknown. The applicant is claiming that he was working for the Modern Nutraceuticals Pvt. Ltd, Bangalore. He must be having knowledge at least about his appointing authority. For that purpose only, custodial interrogation of the applicant may not be appropriate. He is apparently not the beneficiary of the sale of the products which are below standard. In view of facts, the following order is passed:

ORDER

- I. The application is allowed.
- II. In the event of arrest, the applicant Shaikh Moula s/o Nawaj Sab be released on anticipatory bail on furnishing P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount in Crime No. 34/2022, registered with Ramtirth Police Station, District Nanded, for the offence punishable under Sections 3 and 13 of the Insecticide Act, 1968, Rules 16, 19, 6, 9, 10 (4-A)(i) of the Insecticide Rules, 1971, under Clauses 8, 11, 19, 21, 35 of the Fertilizer (Inorganic, Organic or Mixed) (Control) Order, 1985, under Sections

3 and 7 of the Essential Commodities Act, 1955 and under Section 34 of the IPC, on the condition that he shall attend the police station on 27.09.2022, 28.09.2022 and 29.09.2022 between 10.30 a.m. to 12.30 p.m. and thereafter, to attend the police station as and when called on written notice by the Investigating Officer.

[S. G. MEHARE, J.]