

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

ANTICIPATORY BAIL APPLICATION NO.24 OF 2023

**RAHUL NARAYAN KANADE @ LONARI AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Jitendra V. Patil, Advocate for Applicants
Mr. A. A. Jagatkar, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th JANUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.530/2022, registered with Bhusawa Bazaarpeth Police Station, District Jalgaon, for offence punishable under Sections 3 and 7 of the Essential Commodities Act, 1955.

2. FIR is lodged by police constable Yasin Sattar Pinjari, alleging that on secret information, they raided the shop at Limbu Market Athawade Bazaar, Bhusawal, wherein rice of Public Distribution System was being loaded in the truck. They seized the truck and loading rickshaw and inquired with the persons therein. They were told that the rice belongs to Ajinkya Jain and at his behest the same is being loaded in the truck. The truck driver disclosed that he was supposed to transfer the said rice to godown of Ajinkya Jain. When the godown was raided, 20 to 25 ton food-

grains of Public Distribution System was found illegally stored and it was seized. During the raid, name of applicant No.1 was disclosed as owner of the godown and accordingly FIR is lodged against seven accused persons including applicant No.1 being owner of the godown and applicant No.2 having facilitated the commission of crime.

3. Heard learned advocate for applicants and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. During the course of investigation it is transpired that Ajinkya Jain is the owner of godown and he did not possess license to deal in the food-grains of Public Distribution System. The godown is seized, so also, the food-grains of Public Distribution System.

5. It does not appear from the investigation papers that applicant No.1 was running the shop. Though it is alleged in the FIR that applicant No.2 was found present at the spot, at the time of raid, for the reasons best known, he was not arrested there.

6. Nothing is to be recovered from applicants. Pre-trial custodial detention of applicants is not necessary in the facts of the present case. Applicants were granted interim protection and they have attended police station and cooperated in the investigation.

The investigation appears to be almost complete.

7. In the result, application is allowed by confirming interim order dated 05/01/2023. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by investigating officer and cooperate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)