

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.1 OF 2022

The State Of Maharashtra ...Applicant

Versus

Vikrant Vasant Shinde ...Respondent

Mr. A.A. Jagatkar, APP for applicant.

Mr. N.B. Narwade, Advocate for respondent.

ALONG WITH

APPLICATION FOR CANCELLATION OF BAIL NO.2 OF 2022

The State Of Maharashtra ...Applicant

Versus

Kunal Sanjay Narshinghani ...Respondent

Mr. A.A. Jagatkar, APP for applicant.

Mr. D.S. Mali, Advocate for respondent.

ALONG WITH

APPLICATION FOR CANCELLATION OF BAIL NO.3 OF 2022

The State Of Maharashtra ...Applicant

Versus

Vishal Ramesh Bhambre & Others ...Respondents

Mr. A.A. Jagatkar, APP for applicant.

Mr. S.E. Shekade, Advocate for respondents.

ALONG WITH

APPLICATION FOR CANCELLATION OF BAIL NO. 6 OF 2022

The State Of Maharashtra ...Applicant

Versus

Roshan Gopichand Makhija ...Respondent

Mr. A.A. Jagatkar, APP for applicant.
Mr. D.S. Mali, Advocate for respondent.

ALONG WITH
APPLICATION FOR CANCELLATION OF BAIL NO.7 OF 2022

The State Of Maharashtra ...Applicant

Versus

Dilip Nanabhau Satpute ...Respondent

Mr. A.A. Jagatkar, APP for applicant.
Mr. Ajinkya Kale h/f. Mr. R.N. Chavan, Advocate for respondent.

ALONG WITH
APPLICATION FOR CANCELLATION OF BAIL NO. 16 OF 2022

The State Of Maharashtra ...Applicant

Versus

Raju @ Rajendra Ashok Sable ...Respondent

Mr. A.A. Jagatkar, APP for respondent.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th FEBRUARY, 2023

ORDER :

1. By these applications filed under section 439(2) Cr.P.C., State has challenged the order passed by learned Additional Sessions Judge, Ahmednagar, in favour of accused-respondents, granting them anticipatory bail in Crime No. 792/2021, registered with Kotwali Police Station, Ahmednagar, under sections 420 and 285 of the Indian Penal Code, under

section 3 and 7 of Essential Commodities Act, under section 3, 4(B) and 6 of Explosive Substance Act and under section 23(1) (A) of Petroleum Act.

2. Prosecution case as is revealed from the FIR is that police got secret information regarding storage, supply, distribution and sale of bio diesel. Raids were effected at various places and it was noticed that accused were indulged in sale and distribution of bio diesel, without obtaining permit/license.

3. By Government Resolution dated 11.05.2021, issued by Food and Supply Department, State Government has laid norms regarding management of bio diesel within the State of Maharashtra. Procedure is prescribed for manufacture, supply and storage of bio diesel. Unless there is permit from competent authority, no one is allowed to manufacture, store or supply bio diesel.

4. During the course of investigation, it was found that the prime accused had procured the product in his name as well as in the name of others. While purchasing bio diesel or chemical prime accused and others evaded huge taxes payable to the

Central and State Government. Accused persons indulged in supply of chemical and/or bio diesel which is exclusively made for industrial purpose.

5. Heard learned Additional Public Prosecutor for State and learned advocates for respondents-accused. Perused the investigation papers.

6. It is clear from the the investigation papers that investigation is on the verge of completion and charge sheet is likely to be filed in near future.

7. There is no merit in the contention of learned Additional Public Prosecutor that accused have evaded taxes and their custody is necessary for recovery of taxes. State is at liberty to recover the taxes from the accused by adopting appropriate legal procedure.

8. The accused were granted anticipatory bail on 27.11.2021. Nothing is to be recovered from the accused and in the facts of the present case, pre-trial custodial detention of the accused is not necessary. It is also not desirable to cancel the anticipatory bail granted to the accused in the year 2021.

9. Learned Additional Sessions Judge has assigned proper reasons and has granted anticipatory bail to the accused after considering all the relevant aspects and after perusal of investigation papers. There is no illegality or perversity in the order passed by the Sessions Court. There is no merit in the present applications. The applications are therefore rejected.

[NITIN B. SURYAWANSHI, J.]