



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.641 OF 2023

Sambasiva Rao Adapala and another

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Mahuli Jahangir,
District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. N. Ali, Advocate for applicants.
Mr. N. R. Rode, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/12/2023

1. By this application, the applicants are seeking anticipatory bail in connection with Crime No.171/2023 registered with Police Station, Mahuli Jahangir, District Amravati for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code, under Sections 3 and 7 of Essential Commodities Act and Sections 4, 5, 7, 12, 19(c) of Fertilizer Control Act, 1985.

2. The crime is registered on the basis of report lodged by informant Uddhav Santram Bhayekar, Agricultural Officer. As per the allegation, the crime is registered as the applicants have violated the certain orders issued under the Essential Commodities Act and Fertilizer Control Act, 1985. On 19.08.2023, the informant who is Agricultural Officer conducted the raid

on the Godown and found that the applicants and other co-accused were storing and transporting the fertilizers for sale without having valid licence or permit of the Government, accordingly, the Officer has seized the articles and samples were drawn and sent for chemical analysis.

3. As per the submission of the learned Counsel for the applicants that applicant No.1 is the Regional Manger whereas the applicant No.2 is the Store Keeper who have no knowledge about the stock of the fertilizes and they are innocent persons. The applicants are employees of Nav Kisan Bio Plantech Private Limited which is also known as Shiv Shakti Agri-Tech. Agricultural Technical Limited. Learned Counsel Mr. Mir Nagman Ali further submitted that the investigating agency has not taken any action against the manufacturers and only the employees are made victim of their actions. As far as their custodial interrogation is concerned, entire stock is already recovered and no necessity to keep them behind bar. In view of that, they be released on anticipatory bail, in the event of their arrest.

4. The said application is strongly opposed by the State. Learned APP submitted that the scope of the crime is much large and investigation in the matter is still in progress. The huge quantity of substandard

fertilizer was seized, during the raid conducted by the Police as well as Agricultural Department, Amravati Division. The samples of seized banned fertilizers were sent for Chemical Analysis and the reports are still awaited. The seized material is worth approximately of Rs.1,93,98,463/- and including the other material and the property seized comes to Rs.2,38,99,713/-. During investigation it reveals that both the applicants were knowing that they have kept the stock without any permit or licence. The other co-accused are already absconded and therefore, application deserves to be rejected.

5. Having heard the learned Counsel for the applicants. Perused the investigation papers. As far as the allegation against the present applicants is concerned, they have without any licence or permit obtained the substandard fertilizers and kept in Godown. Admittedly, the applicant No.1 is the responsible Officer of the said company and aware that having the stock of the fertilizers. Necessary permissions and licence are required to be obtained from the Government. The conduct of the present applicant keeping the said stock in the Godown requires some interrogations with him. As far as the applicant No.2 is concerned, who is employee and the Store Keeper. His role is only to supervise the stock and he is not the person of decision making. Considering the role of the applicant No.2, his

prayer for grant of anticipatory bail deserves to be considered as nothing is to be recovered from him. As far as the applicant No.1 is concerned, who is the responsible Officer, his custodial interrogation is required considering the huge stock seized from the Godown. In view of that, application deserves to be allowed partly. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed partly.
- (ii) The applicant **No.(2) Sunil Parmeshwar Kumar** be released on anticipatory bail in the event of his arrest, in connection with Crime No.171/2023 registered with Police Station, Mahuli Jahangir, District Amravati for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code, under Sections 3 and 7 of Essential Commodities Act and Sections 4, 5, 7, 12, 19(c) of Fertilizer Control Act, 1985, on executing PR bond in the sum of Rs.30,000/- with one solvent surety in the like amount.
- (iii) The prayer of applicant **No.(1) Sambasiva Rao Adapala** granting anticipatory bail is rejected.
- (iv) The applicant No.2 shall furnish his cell phone number and address with the address proof.

(v) The applicant No.2 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(URMILA JOSHI-PHALKE, J.)