



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

ANTICIPATORY BAIL APPLICATION NO. 1037 OF 2023

GANESH MANOJ MARATHE @ GANESH LAXMIKANT MARATHE AND
ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Amit S. Savale, Advocate for Applicant
Mr. S.B. Jadhav, APP for Respondents – State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 02nd FEBRUARY, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.259/2023, registered with Akkalkuwa Police Station, Nandurbar, for offences punishable under Sections 10, 15, 16, 17 of Seeds Act, 1966, Sections 7 and 8 of the Environment Protection Act, 1986 and Sections 3 and 7 of the Essential Commodities Act, 1955.

2. FIR is lodged by Jagadish Borale, Seeds Inspector and Agriculture Officer attached to Panchayat Samiti, Akkalkuwa, alleging that on receipt of secret information that applicants are selling contraband seeds in Mirai Agro Agency at Khaper, informant visited applicants' shop along with panch. On third floor of applicants' shop he found banned HTBT cotton seeds kept in plastic bags. On inquiry applicants gave evasive answers, therefore, bags were opened and it was found that there was no manufacturing date, name of manufacturer, expiry date, etc. on the packets of

banned cotton seeds. 140 packets of banned cotton seeds of HTBT worth Rs.1,96,000/- were seized and taken to the Akkalkuwa Police Station and FIR is lodged.

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

4. Learned advocate for applicants submits that allegations against applicants are vague and general. No offence punishable under Sections 10, 15, 16, 17 of Seeds Act, 1966, Sections 7 and 8 of the Environment Protection Act, 1986 and Sections 3 and 7 of the Essential Commodities Act, 1955, is made out. He submits that contravention of seeds control order at the most may invite cancellation of license of applicants. Procedure contemplated under Seeds Rules is not followed at the time of raid. Section 19 of the Seeds Act, makes the first offence punishable with fine of Rs.500/- on conviction.

5. Learned Additional Public Prosecutor, on the other hand, strenuously opposed the application contending that, applicants during investigation would be in a position to disclose as to from where they have purchased said seeds. Investigating officer has reported that applicants have not co-operated in the investigation. Considering the serious allegations leveled against applicants, their custodial interrogation is necessary. Applicants, therefore do not

deserve relief of anticipatory bail.

6. Investigation has revealed that applicants are dealing in HTBT cotton seeds which are banned in India and are harmful for the environment. They have stocked banned and bogus cotton seeds for selling. From where the said seeds were procured and whether there is racket operating in the procurement and sale of banned cotton seeds, is required to be investigated. There is strong possibility that big racket is dealing in contraband seeds. Only applicants are in a position to disclose during interrogation as to from where they have purchased said seeds.

After interim protection is granted, applicants have failed to attend police station and co-operate in the investigation. Learned advocate for applicants, on instructions, submits that twice applicants have attended the police station. The report of investigating officer is otherwise. It is specifically mentioned that after grant of interim protection, applicants have not attended the police station even once.

7. Since applicants have not co-operated in the investigation and their custody is necessary for effective investigation, applicants do not deserve discretionary relief. Application, therefore, stands rejected.

(NITIN B. SURYAWANSHI, J.)