



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1877 OF 2023

Devidas Keru Jadhav

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. A.B. Jagtap, Advocate for applicant

Mr. S.P. Sonpawale, APP for State

WITH

ANTICIPATORY BAIL APPLICATION NO. 1850 OF 2023

Bharat Nivrutti Kandekar

.....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. N.B. Narwade, Advocate for applicant

Mr. S.P. Sonpawale, APP for State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th APRIL, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 659/2023, registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar, for offences punishable under sections 285 r/w 34 of Indian Penal Code and sections 3/7 of Essential Commodities Act, 1955

Bhagyawant Punde

2. FIR is lodged on 27.08.2023 by police constable Shaikh Shakil Ahmed attached to the office of Special Police Inspector, Nashik, alleging that on receipt of secret information they led a trap on 26.08.2023 at about 21.05 hours at the premises of hotel Yash, at village Kamargaon, situated at Ahmednagar-Pune highway. In the raid 10935 liters of bio diesel and inflammable liquid were seized. Persons who were arrested on the spot i.e. workers of applicants disclosed that the place and liquids are owned by applicants

3. Heard learned advocates for applicants and learned APP for State. Perused the investigation papers.

4. Learned advocates for applicants contended that there is no report on record showing that the liquid seized from applicants is in fact bio diesel. Further submission is that the issue whether bio diesel falls under the categories mentioned in the Petroleum Act, 1934 or not is pending before this Court, in a different preceding. They submit that since the liquid is already seized custody of applicants is not necessary for investigation.

5. Record indicates that applicants are repeatedly indulging in selling of prohibited bio diesel and/or inflammable

liquid. Against applicants C.R. No. 792/2021 is registered with Kotwali Police Station, Dist. Ahmednagar, under sections 420, 285 of IPC and sections 3 and 7 of Essential Commodities Act. Against applicant- Devidas Jadhav C.R. No. 208/2021, under section 279, 337, 338, 184 of IPC is also registered. It therefore appears that applicants are repeatedly indulging in commission of similar offence and therefore it appears that they are running a racket of selling prohibited bio diesel and inflammable liquid. Their custodial interrogation is therefore necessary for effective investigation. Hence, applications are rejected.

6. At this stage, learned advocates for applicants pray for continuation of interim protection granted to applicants. For the reasons stated in the order, prayer is rejected.

[NITIN B. SURYAWANSHI, J.]