



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.657 OF 2024
(Shubham Sanjay Naik VS State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.K. Jaiswal, counsel for the applicant.
Mr. S.S. Hulke, APP for the State

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 4, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.506/2024 registered with Police Station Arni, District Yavatmal for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Sections 9, 7, 3(2)(a), 3(2)(d) of the Essential Commodities Act, 1955, the applicant approached this Court for grant of pre-arrest bail.

2. It is submitted by the learned Counsel for the applicant that the report is lodged by Rajesh Sampatrao Jankar, who is serving as a Technical Officer in the office of Additional Director of Agricultural Department, Amravati who alleged that he received the information about Sub-Standard Fertilizers are being sold at various agencies, and therefore, he conducted the raid. While conducting the raid, the present applicant, who is running the agency by name Appaswami Agro Agency at Arni, and was found in possession of a Sub-Standard Fertilizers

which were kept for the same. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that, as far as the present applicant is concerned, he is only a dealer, and he has not at all concerned with manufacturing of the sub-standard goods or the fertilizers. Now the samples are already obtained and the custodial interrogation of the present applicant is not required as the entire goods are already seized by the investigating agency. He submitted that moreover the owner from whom the goods are purchased has already applied for re-assessment, but without giving him the opportunity of re-assessment, the FIR is lodged. Considering the same, the interim protection granted to the applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application on the ground that the sub-standard goods are found with various dealers, and therefore, his custodial interrogation is required to establish the chain. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the present applicant is the Proprietor of the Appaswami Agro Agency, Arni. As far as the recitals of the FIR is concerned it reveals that sub-standard goods are

found in his shop, however, the samples are already obtained. As far as the custodial interrogation is concerned which is not required. In view of that, the interim protection granted to the applicant deserves to be confirmed.

6. Hence, the application is allowed. The interim protection granted to the applicant vide order dated 18/09/2024 is hereby confirmed on the same terms and conditions.

7. The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*