



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

924 ANTICIPATORY BAIL APPLICATION NO.1032 OF 2025

Fayyaz S/o. Khamroddin Biradar,
Age: 37 years, Occu: Agri.,
R/o. Anandwadi (A.B.), Tq. Nilanga
Dist. Latur.

... Applicant

Versus

The State of Maharashtra and Anr.

... Respondents

.....
Mr. Tukaram Maruti Venjane, Advocate for the Applicant
Mr. M. K. Goyanka, APP for the Respondents - State

.....

CORAM : NEERAJ P. DHOTE, J.

DATE : 26.09.2025

PER COURT :

1. Heard the learned Advocate for the Applicant and the learned APP for the Respondents – State. Perused the papers on record.

2. The Crime No.0112/2025 is registered with Kasarshirsi Police Station, District Latur, for the offences punishable under Sections 4, 5, 7, 8 and 19(c)(iii) of the Fertiliser (Control) Order of 1985 and under Sections 3(2)(a) and 3(2)(d) of the Essential Commodities Act, 1955 and under Section 318 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023. Since the Applicant is apprehending arrest in the said Crime, he has filed this Application, after the learned Sessions Court rejected the Application for Anticipatory Bail.

3. Perused the papers made available by the learned APP. It is the case of the Prosecution that, the Informant, who is a Quality Control Inspector of Fertilizers and also an Agricultural Officer, received the information that, duplicate fertilizer was being sold in village Harijawalga. He, along with another officer, reached the spot in the morning of 26/05/2025 and raided a truck bearing No.MH-04-DK-1106, which was standing at one spot. The driver of the truck was questioned, and he told that, the said fertilizer was of the Applicant and was brought in the village for sale. The stock of fertilizer in the truck came to be seized by drawing the samples, and the FIR was lodged. Accepting the FIR as it is, *prima facie* the essential ingredients for the offence punishable under Section 318 of the Bharatiya Nyaya Sanhita, 2023 are not seen. The Applicant is named by the truck driver, who was arrested and subsequently released on bail by the concerned Court. The fertilizers are in the custody of the investigating machinery. The CA report dated 09/06/2025 in the police papers shows a remark that, the sample was not according to specification and fails in moisture, TN, AN, NACSP, WSP. Thus, the case is made out to grant the Application. Hence, the following order :

ORDER

- [I] Anticipatory Bail Application is hereby allowed.
- [II] In the event of arrest of the Applicant, namely, Fayyaz S/o. Khamroddin Biradar, in connection with Crime No.0112/2025,

registered with the Kasarshirsi Police Station, District Latur, for the offences punishable under Sections 4, 5, 7, 8 and 19(c)(iii) of the Fertiliser (Control) Order of 1985 and under Sections 3(2)(a) and 3(2)(d) of the Essential Commodities Act, 1955 and under Section 318 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on his furnishing P.B. of Rs.15,000/- (Rupees Fifteen Thousand Only), with one surety in the like amount, on the following conditions:

- [a] Applicant shall attend the concerned Police Station once in a week, till investigation is complete.
- [b] Applicant shall not tamper with the prosecution evidence in any manner.

[III] Anticipatory Bail Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/September-2025