



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
ANTICIPATORY BAIL APPLICATION NO. 1242 OF 2024

Mohammad Rajubhai Sayyad ....Applicant

VERSUS

The Superintendent of Police & another .....Respondents

Mr. S. P. Mahale, Advocate holding for Mr. Shaikh Mazhar A.  
Jahagirdar, Advocate for Applicant.  
Mr. R. S. Wani, APP for the State.

**CORAM : ADVAIT M. SETHNA, J.**  
DATE : 18 JUNE, 2025.

P. C. :

1. The Applicant has filed this pre-arrest bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (for short '**BNSS**'). The present proceedings arise out of C.R. No. 0170/2025 in First Information Report ("**FIR**") dated 23 May 2024. Said FIR has been lodged under Sections 3 and 7 of the Essential Commodities Act, 1955 by the Virgaon Police Station, District Aurangabad.

**FACTS IN FIR :**

2. The FIR discloses that the one Altaf shakeel Syeed ("**Altaf**" for short) was found selling diesel, petroleum products illegally by making underground storage in the land Gat No. 83

belonging to the present Applicant i.e. Mohammad Rajubhai Sayyad. Accused Altaf was found in possession of cash amounting to Rs. 1,12,450/- which was received by selling diesel illegally and 13500 liters of diesel amounting to Rs. 12,28,500/- and also one Ashok Leyland company tanker bearing No. MH 17-AG-7681 containing 1800 liters diesel amounting to Rs. 1,63,800/- and one dispenser with nozzle amounting to Rs.4,50,000/-, which were also seized. The present Applicant is stated to be the owner of the land in which the underground diesel container was found. It is in such circumstances, the FIR is lodged/registered.

**SUBMISSIONS :**

3. Mr. Mahale, learned Advocate for the Applicant would first submit that the present Applicant is not named as accused in the FIR. He would submit that the Applicant is a teacher who is working with Gautam Public School from June 2006 and continues in such employment until the date.

4. He would invite attention of the Court to certain documents namely dealership agreement dated 10 July 2020 executed between the Applicant and one Ribbons Sales Agency Private Limited (at Page No. 33 of the Application). He would rely on

certain permissions which, according to him, have been duly obtained from the competent authorities. One of them being dated 6 November 2020 issued by the Town Planning Authority, Aurangabad. This is followed by another permission dated 28 December 2020 issued by the Sub-Divisional Officer under the provisions of Section 42 of the Maharashtra Land Revenue Code, 1966. He would also rely on an application made by this Applicant dated 19 August 2020 to the Town Planning Authority, on the basis of which, permission dated 6 November 2020 has been granted. He would submit that in the light of such permissions from the Competent Authorities, no irregularity much less illegality has been committed by this Applicant as falsely alleged by the prosecution. He would further refer to an order dated 15 June 2024 passed by the Sessions Court which has enlarged accused Altaf on regular bail. On these grounds, he would claim parity as far as the present Applicant is concerned. He would then submit that pursuant to the order passed by this Court, the Applicant has diligently attended the Police Station on more than one occasions. In view thereof, no custodial interrogation of the present Applicant is mandated and the Anticipatory Bail Application be accordingly allowed.

5. On the other hand, learned APP Mr. Wani would vehemently oppose the Application. He would submit that though the Applicant has made an attempt to rely on the permissions from the Competent Authorities, but a careful perusal of these permissions would indicate that those are not for the purchase, storage or sale of bio diesel/diesel. Accordingly, such permissions can never be of any assistance to the Applicant. He would submit the remand report would reveal that it is the accused Altaf who specifically named the present Applicant. That is how the present Applicant was arrayed as the co-accused in this proceedings. It is Mr. Wani's submission that in such facts and circumstances, it is expedient to know in what manner illegal diesel has been brought to the premises and what is the *modus operandi* in this regard. For such purpose, custodial interrogation of the present Applicant is necessary particularly when he has been specifically named by the accused Altaf and also considering the fact that the land belongs to the present Applicant. In his submission, in the given factual matrix, the Anticipatory Bail Application ought to be rejected.

**FINDINGS :**

6. Heard learned Advocates of the parties and with their assistance perused the record. Firstly, it is clear that the FIR names

only Altaf Shakeel Syeed as the accused person. The present Applicant has not been named as the accused. The attention of the Court was also invited to the dealership agreement and permissions from the Competent Authorities for the purpose of construction of a petrol pump and necessary infrastructure required in this regard. At this stage, in my prima facie view, it is apparent that the permissions do exist. However, learned APP Mr. Wani would dispute the correctness of the permissions, which in the given factual complexion, may not be necessary to be gone into at this prima facie stage of the proceedings.

7. The Court is also apprised of the fact that the accused person Altaf has been enlarged on regular bail by the Sessions Court by order dated 15 June 2024. This fact is not disputed/controverted.

8. It is not disputed that nothing has remained to be recovered from the Applicant. It is also not disputed by the prosecution that the Applicant, pursuant to the order passed by this Court has appeared/attended the Police Station as directed showing his willingness to join the investigation at this stage. It is pointed out that this Applicant has no criminal antecedents. It is trite that the fundamental rights of a person under Article 21 of the Constitution

of India ought to be protected. Equally, right of investigation is paramount but for which custodial interrogation in each and every case is not the norm. In the given factual matrix, in my view, a prima facie case for grant of anticipatory bail has been made out. No custodial interrogation is eminent or expedient. In view therefore, the following order would serve the ends of justice :

**ORDER**

(i) In the event of arrest of the applicant Mohammad Rajubhai Sayyad in connection with C.R. No. 0170/2024, registered with Virgaon Police Station, Dist. Aurangabad, for the offences punishable under Sections 3 and 7 of the Essential Commodities Act, the applicant is directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station on every Monday at 11.30 am. He is further directed to co-operate the investigation.

(iii) The applicant shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

(iv) The applicant shall not leave the jurisdiction of the Court without prior permission of the Court, until further orders.

(v) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any

manner whatsoever.

9. Needless to mention that these are the prima facie observations for the purpose of adjudication of this Anticipatory Bail Application.

( ADVAIT M. SETHNA)  
Judge

dyb