



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

CRIMINAL APPLICATION (ABA) NO.183 OF 2025

(Shubham Ashok Benkhele Vs. The State of Maharashtra, thr. PSO Police Station
Darwha, Tq. Darwha, Dist. Yavatmal)

AND

CRIMINAL APPLICATION (ABA) NO.184 OF 2025

(Vikas Raghunath Nalawade Vs. The State of Maharashtra, thr. PSO Police Station
Darwha, Tq. Darwha, Dist. Yavatmal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. K. Jaiswal, Advocate for Applicant.
Mr. N. B. Jawade, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 21st APRIL, 2025.

COMMON ORDER:

1. Heard.
2. Apprehending the arrest at the hands of Police in connection with Crime No.604/2024 registered with Police Station Darwha, Tahsil Darwha, District Yavatmal, for the offences punishable under Sections 9, 6, 7, 3(2)(a), 3(2)(d) of the Essential Commodities Act, and Section 318(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 13(1), 13(2), 35(1)(b), 35(4), 19(c)(ii), 19(c)(iii), 19(c)(iv) of the Fertilizer (Control) Order 1985, the applicant approached to this Court for grant of pre-arrest bail.
3. The crime is registered on the basis of report lodged by Vijay Pralhad Sarode, Sub-Divisional Agriculture

Officer, Darwha alleging that he is authorized to inspect the manufacturing, stock and sell and draw samples for analysis and prohibit the manufacturing and supply of sub-standard fertilizers.

4. He is also authorized to issue prohibitory orders for sale and also seize and control and file cases in Court. On 28.06.2024 while inspecting the sells centres in Darwha Sub Division he found N K P 10:26:26, D A P 18:46:00, M O P were selling suspiciously without registering the same on the IFMS portal, which was mandatory. It was further alleged that on 28.06.2024 he inspected M/s. Ramnath Agro Centre at Chikhali and the same was distributed by the stock of Rama Fertichem at village Wadki, Tq. Haveli and the same was carried by M/s. Satyam Roadways, Harekrishna Hotel, Dholera Road, Nari Choukadi, Bhavnagar, Gujart. He found that the said fertilizers stock is not standard but sub-standard. Accordingly, he drew samples of the said fertilizers and sent them to the Fertilizer Control Laboratory, Amravati. On receipt of the CA report it revealed that it is of sub-standard, quality and not according to the norms. On the basis of said report, police have registered the crime against the present applicant.

5. The present applicant is the Director as well as responsible person of the said Rama Fertichem Private Limited from M/s. Ramnath Agro Centre has obtained the said fertilizer. Learned counsel for the applicant submitted that the entire day-to-day activities are carried out by the present applicant and present applicant was looking after

the affairs of the Rama Fertichem as far as the sell is concerned he was not concerned with the same. He submitted that even accepting the allegation as it is, the entire stock is already seized. The custody of the present applicant is not required. The informant has already sent the samples and the samples were already forwarded to the analysis. The applicant is ready to co-operate with the investigating agency as far as the part of the interrogation is concerned which can be taken care of by imposing certain conditions on the present applicant and by directing him to attend the concerned police station for which he is ready to abide. He further submitted that the rights of the present applicant as to the filing of the appeal which is provided under Section 32(a) of the Fertilizer (Control) Order, 1985 that opportunity was not granted to the present applicant. In view of that provision the action taken against the present applicant is illegal. In view of that, he be protected by granting anticipatory bail.

6. Learned APP strongly opposed for the same and submitted that considering the sub-standard quality of the fertilizers are found during the raid which is supplied by the Rama Fertichem i.e. the company wherein the present applicant is serving his custodial interrogation is required to ascertain from which place he has obtained the said stock his custodial interrogation is also required for the interrogation purpose on other aspects also for example to which centres he has supplied the stock from who obtained a procured the said stock and all other basis and therefore,

the prayer of anticipatory bail deserves to be rejected.

7. After hearing both sides and on perusal of the recitals of the F.I.R. and the documents filed along with the application from which it reveals that the name of the present applicant is mentioned as a responsible person of the Rama Fertichem Limited. The licence which is seized by the Investigating Officer shows that some of the fertilizers which are supplied to the various agencies is not manufactured in India but it is imported from the other countries and therefore, his custodial interrogation is required. However that aspect can be dealt with by imposing certain conditions on the present applicant. It further reveals from the circular issued by the Central Government by before filing of the FIR, the procedure of sampling and the provision of Clause-24 has to be followed, which appears to be not followed. Moreover, the part of the interrogation can be taken care of by imposing certain conditions on the applicant. In view of that, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest the applicant – Shubham Ashok Benkhele and Vikas Raghunath Nalawade in connection with Crime No.604/2024, registered with Police Station Darwha, Tahsil Darwha,

District Yavatmal, for the offences punishable under Sections 9, 6, 7, 3(2) (a), 3(2)(d) of the Essential Commodities Act, and Section 318(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 13(1), 13(2), 35(1)(b), 35(4), 19(c)(ii), 19(c)(iii), 19(c)(iv) of the Fertilizer (Control) Order 1985, be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

- (iii) The applicant shall attend the concerned police station twice in a week i.e. on every Monday and Thursday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the Investigating Agency.
- (iv) The applicant shall furnish his cell phone numbers and his detail address along with the detail address proof before the Investigating Officer.
- (v) A single event of non-attendance would lead to the cancellation of bail.

8. The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)