



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

CRIMINAL APPLICATION (ABA) NO.180 OF 2025

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

AND

CRIMINAL APPLICATION (ABA) NO.182 OF 2025

(Vikas Raghunath Nalawade Vs. The State of Maharashtra, thr. PSO Police Station
Arni, Tq. Arni, 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.
Ms. Sneha S. Dhote, APP for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 21st APRIL, 2025.

COMMON ORDER:

1. Heard.
2. Both the applications have filed by the applicant for grant of pre-arrest bail in connection with Crime No.506/2024 registered with Police Station Arni, Tahsil Arni, District Yavatmal, for the offences punishable under Sections 9, 7, 3(2)(a), 3(2)(d) of the Essential Commodities Act, and Section 318(4) of the Bharatiya Nyaya Sanhita, 2023.
3. The crime is registered on the basis of report lodged by Vijay Pralhad Sarode, Sub-Divisional Agriculture Officer, Darwha who lodged the report against the present applicant and other accused persons who are the Directors

and nominee of M/s. Rama Fertichem Limited, Pune. The present informant is appointed as Fertilizer Inspector vide Government Notification dated 13.10.2010. Thus, he is authorized to inspect the manufacturing of stocks and sells centers and draw samples for analysis and prohibit manufacturing and supply of sub-standard fertilizers. He is also authorized to issue prohibitory orders for sell and also seized and control and file cases in Court. On 28.06.2024, the informant inspected M/s. Ramnath Agro Centre at Chikhli and the same was found in possession of sub-standard quality fertilizer. On inquiry it reveals that the said stock was purchased from the Rama Fertichem which is situated at village Wadki, Taluka Haveli, District Pune. On finding the fertilizer stock is sub-standard his samples were obtained and sent to the Fertilizer Control Laboratory, Amravati. As per the CA report the drawn sample is declared as sub-standard and accordingly the show cause notices were issued, calling its explanation which is was satisfactory hence the first information report was lodged.

4. Heard learned counsel for the applicant who submitted that as far as role of the present applicant is concerned no doubt he is the Director but he is not concerned with manufacturing. He submitted that the said fertilizers are obtained by Rama Fertichem also from the other manufactures therefore, the present applicant is not responsible for the manufacturing of the said fertilizers. He further submitted that even accepting that applicant was involved in supplying sub-standard fertilizer then the action

taken against the present applicant which is appealable and the appeal is provided under Section 32(a) of the Fertilizer (Control) Order, 1985 but the informant, without following this procedure, lodged an F.I.R. against the present applicant. As far as the custodial interrogation is concerned, which is not required as nothing is to be seized from the present applicant. As far as the interrogation part is concerned present applicant is ready to attend the concerned police station and ready to co-operate with the investigating agency. In view of that, he be protected by granting ad-interim protection.

5. Learned APP strongly opposed for the same and submitted that during the course of investigation the investigating officer obtained the report of inspection conducted under the Fertilizers Control Order 1985 at the Shop/Godown of Dilip Anna Saheb, Chikhli, Taluka Darwha. Thereafter, *panchnama* of sub-standard fertilizers were drawn, the name of the manufacture was shown as Rama Fartichem Limited Pune. During investigation it also reveals that the company Rama Fertichem Limited Pune of which the present applicant is the Director has obtained some fertilizer from China. Therefore, his custodial interrogation is required for the purpose of interrogation. In view of that, the application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers it reveals that sub-standard fertilizers are seized on raid conducted by the informant. As per the investigation papers, the said fertilizers are supplied by the

Rama Fertichem Limited of which present applicant is the responsible person. As far as the involvement of the present applicant in the alleged offence is concerned which reveals from the investigation papers. It further reveals that the appeal is provided under Section 32(a) of the Fertilizer (Control) Order, 1985 but the informant without following this process lodged an F.I.R. against the present applicant. Admittedly, the entire stock is already recovered. As far as the interrogation part is concerned which can be taken care of by imposing certain conditions. In view of that, the application deserves to be allowed. 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.506/2024, registered with Police Station Arni, Tahsil Arni, District Yavatmal, for the offences punishable under Sections 9, 7, 3(2)(a), 3(2)(d) of the Essential Commodities Act, and Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, 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 Tuesday and Friday between 10:00 a.m. to 01:00 p.m. for the investigation purpose 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 non-attendance by the applicant at the police station and non-cooperation would lead to the cancellation of bail.
6. The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)