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930.aba.496.2025

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

CRIMINAL APPLICATION (ABA) NO.496 OF 2025

Gokul s/o Madan Jadhav
Vs.

State of Maharashtra, through Police Station Officer, Police Station Gadge
Nagar, District Amravati City

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

Court's or Judge's orders

Mr. A. S. Deshpande, Counsel for the applicant.
Mr. M. J. Khan, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/07/2025

1. Apprehending the arrest at the hands of police in connection with crime No.354/2025 registered with Police Station Gadge Nagar, District Amravati for the offence punishable under Section 15 of the Environment Protection Act, 1986, Sections 3, 7 and 9 of the Essential Commodities Act, under Section 7(c) of the Seeds Act, Section 6 of the Weight and Measurement Act, Rule 7 and 8 of the Seeds Rules, 1968 and Sections 3 and 9 of Seeds Control Order, 1983 and Sections 318(4), 336(4), 340(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that the applicant is Territory Sales

Manager of in the Seeds License of Divya Shakti Private Limited and Divya Shakti Private Limited is a company registered under the Companies Act, 1956. The Company is dealing with the business with manufacturing and selling of seeds and having its valid Seeds Licence. On 07.05.2025, one secret information was received in the office that on 08.05.2025, H.T.B.T. Herbicide-Tolerant Variety of B. T. Cotton (BG-4) cotton seeds were transporting through a travel from Ahmadabad, Gujrat which is not permitted and therefore, the investigating agency has intercepted the vehicle and one person was found in a suspicious condition, preparing for selling the said seeds, but on approaching the said person, he fled away from the spot and therefore, the offence was registered against the unknown person.

3. Learned Counsel for the applicant submitted that the applicant is apprehending the arrest at the hands of police, in fact, without sending the sample to the analysis, the FIR came to be lodged. He submitted that the informant has not followed due procedure and report was lodged. As far as the immediate custodial interrogation is concerned, which is not required. He submitted that the company is not made the applicant as an accused, he is the only Area Manager in the Territory Sales Manager, is implicated falsely in the alleged offence. As far as the immediate custodial interrogation is concerned, which is not required. The

entire stock is already seized by the investigating agency.

4. Learned APP strongly opposed the said application and submitted that earlier also the some sort of similar seeds were transported to the Maharashtra and an attempt was made to sale, the said seeds which are prohibited in the State of Maharashtra. However, it is necessary to go through the investigation papers and at this stage, the applicant has no case for grant of ad-interim protection.

5. On hearing both sides and on perusal of the recitals of the FIR and other documents on record it reveals that the applicant is a Territory Sales Manager. Admittedly, nobody was found at the spot when the spot was intercepted by the investigating agency, the applicant approached this Court as he is apprehending the arrest. The analysis report is yet to be received. Considering all these circumstances, at this stage, the immediate custodial interrogation of the present applicant is not required. In view of that, the applicant has made out a case for grant of ad-interim protection. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest, in connection with Crime No.354/2025 registered with Police Station Gadge Nagar, District Amravati for the offence punishable under Section 15 of the

Environment Protection Act, 1986, Sections 3, 7 and 9 of the Essential Commodities Act, under Section 7(c) of the Seeds Act, Section 6 of the Weight and Measurement Act, Rule 7 and 8 of the Seeds Rules, 1968 and Sections 3 and 9 of Seeds Control Order, 1983 and Sections 318(4), 336(4), 340(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant **Gokul s/o Madan Jadhav** shall be released on ad-interim anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicant shall not indulge himself in similar type of the activities.

6. Learned APP waives notice for the State and seeks time to file reply.

7. Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)