



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

21 ANTICIPATORY BAIL APPLICATION NO. 482 OF 2025

Pratap Alias Banti Dilipkumar LalwaniApplicant

VERSUS

The State of MaharashtraRespondent

Mr. M. P. Kale, Advocate for the Applicant.

Mr. G. O. Wattamwar, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th JUNE, 2026.

PER COURT :

1. Applicant has preferred this application seeking pre-arrest bail in connection with Crime No. 43/2025, registered with Partur Police Station, District Jalna, for the offences punishable under Sections 3, 7 of the E. C. Act and Sections 318(4), 336(2), 336(3), 339, 340(2), 341(1) of the Bharatiya Nyaya Sanhita.

2. Offence came to be registered against the applicant with an allegation that the applicant has purchased rice from ration shop for its further sale in the open market. On 02.02.2025, a truck belonging to the applicant came to be intercepted wherein rice weighing 44245 Kgs. amounting to Rs. 40,50,000/- came to be seized.

3. Applicant was granted interim relief by this Court by order dated 08.04.2025. He was directed to appear before the Investigating Officer. He appeared before the Investigating Officer and claimed that he purchased the said rice from M/s M. K. Trading Company. To support this submission, he placed reliance on tax invoice issued by said M/s M. K. Trading Company. During the course of further investigation, it was found that the tax invoice which was produced by the applicant was not issued by M/s M. K. Trading Company.

4. Learned counsel for the applicant submits that the applicant was granted interim relief and pursuant to the same, he attended the concerned police station and co-operated during investigation. It is his further submission that now investigation is sought to be done in respect of the document submitted by the applicant i.e. tax invoice issued by M/s M. K. Trading company. According to him, it is the burden on the Investigating Officer to collect evidence indicating that the rice which was seized was purchased from fair price shop. It is his submission that in absence of any such evidence, merely because there are antecedents against the applicant in which he is granted anticipatory bail, the application cannot be rejected.

5. Learned APP opposed the application by contending that similar two crimes are registered against the applicant. It is his submission that once there is *prima facie* evidence indicating fabrication of document, custodial interrogation of the applicant is necessary. It is his further submission that the contention of applicant with regard to purchase of said rice is not supported by GPS record of the concerned truck.

6. As far as gravity of offence is concerned, it is undeniably serious in nature. The welfare schemes and the provision of grains to the marginalised section of society through fair price shop scheme, cannot be allowed to be frustrated at the hands of profiteers from sale of such grains. Any such case would have to be dealt with seriousness. At this stage, the Court has to see as to whether it is a fit case wherein custodial interrogation of the applicant would be necessary which would be without protection of interim relief by the Court. It is pertinent to note that the interim relief granted by this Court on 08.04.2025 proceeded on the footing that there was *prima facie* no evidence to show that the applicant purchased/lifted rice from the fair price shop and the rice was already seized along with the truck. In those circumstances, interim relief came to be granted.

As far as present situation is concerned, apart from the said allegation with regard to purchase of rice from fair price shop, it would be necessary for the Investigating Agency to investigate the document sought to be relied upon by the applicant to support the said purchase. On the face of it, there is evidence to indicate that further investigation is necessary with regard to the document submitted by the applicant which, the prosecution claims to be fabricated.

7. Having regard to the aforestated facts, this Court finds substance in the contention of learned APP that under the protection of interim order of this Court, no effective investigation can be done in this regard. Consequently, considering the peculiarity of the facts involved in the instant case, it is not a fit case for protecting liberty of the applicant by granting anticipatory bail. Hence, application stands rejected.

(R. M. JOSHI, J.)

dyb