

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A) No. 1257 of 2015

- Sandeep Singh s/o. Mahendra Bahadur Singh aged about 36 years r/o. Green Heights City, Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Thana Dongargaon, Distt. Rajnandgaon, Chhattisgarh.

For Applicant : Mr. Kishore Bhaduri and Mr. Pawan
Kesharwani, Advocates.

For Respondent : Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Inder Singh UbowejaOrder on Board09-12-2015

1. Applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 225 of 2015, registered in Police Station Dongargan, District Rajnandgaon (CG), for offence punishable under Section 3 & 7 of Essential Commodities Act, 1955.
2. The case of the prosecution, in brief, is that on 7-8-2015 one tanker bearing registration No. MH 04 JC 8619, owned by present applicant and driven by Santosh Kumar Kaushal, was carrying kerosene, colour of which is altered by adding some chemicals which is a petroleum product for the purpose of sale and on being checked by the authorities, the driver of the said vehicle was unable to produce valid and relevant papers and thereby committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He would further submit that the applicant is the owner of the tanker bearing registration No. MH 04 JC 8619 and on 15-6-2015, the applicant had given his aforesaid tanker to driver Santosh Kumar Kaushal on hire for Rs.25,000/- per month and a copy of the agreement between the present applicant and the driver in this connection was

annexed as Annexure A/2. He would further submit that the health condition of the applicant was not good when the incident took place and in this connection medical report of the applicant has been filed. He would also submit that challan has already been filed and the applicant is ready to abide all the directions and conditions which may be imposed on him while granting bail and he will not tamper with the prosecution witnesses and will cooperate with the investigating agency, therefore, the benefit of Section 438 of Cr.P.C., may be extended to the present applicant.

4. On the other hand, learned counsel appearing for the State, opposing the bail application would submit that there is involvement of the applicant in the aforesaid offence and while checking, the authorities asked the driver of the vehicle to show the valid licence and relevant papers, he was unable to produce the same. Moreover, the applicant has submitted the medical documents regarding his own ill-health, but he has not raised such plea in his bail application, therefore, the plea of ill-health of his own does not have much weight.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case, the evidence adduced by the prosecution against the present applicant and further taking note of the fact that when the aforesaid tanker was carrying the kerosene, which is altered by adding some chemicals, the driver of the said vehicle was unable to show the valid and relevant papers, which proves the involvement of the present applicant in the aforesaid offence, agreement (Annexure A/2) which took place between the applicant and the driver on 15-06-2015 with respect to giving the tanker on hire, will be considered at the stage of taking defence, I am of the considered opinion that *prima facie* it is not a fit case where applicant can be extended the benefit of anticipatory bail.
7. Accordingly, the application is liable to be and is hereby rejected.

Sd/-
(I.S.UBOWEJA)
Judge