

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 3351 OF 2015**

Baljinder Singh son of Jogender Singh, aged about 40 years (wrongly mentioned as 72 years), R/o Nehru Nagar, Bhilai, Tahsil and District Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through The District Magistrate Durg, District Durg (C.G.)

---Non-applicant

For Applicant	:	Mr. Jitendra Gupta, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 502/2014, registered at Police Station Supela, District Durg (C.G.), for the offence punishable under Section 3/7 of Essential Commodities Act.

2. Case of the prosecution, in brief, is that, applicant is running Fair Price Shop of the Public Distribution System granted by the State Authorities; on verification of the said Fair Price Shop, it was found that various irregularities have been committed regarding quantity of essential commodities by the applicant, which is in violation of paragraphs 10, 11(5), (6), 15, 16(5) of the Public Distribution System (Control) Order, 2004 and also the order dated 31/01/2008 issued by Government of India, which is the offence punishable under Section 3 & 7 of the Essential Commodities Act.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that applicant is running Fair price shop since last 25 years and without making any actual weight, offence has been registered whereas, a show cause notice has been issued by the Collector, which has been replied suitably by the present applicant. He would lastly submit that charge sheet has been filed and applicant is in jail since 16/06/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that a team consisting three members conducted raid in the shop of applicant and found various irregularities in the said shop regarding quantity of the essential commodities; and recorded the statements of consumers and verified the stock register and, thereafter aforesaid offences was directed to be registered against the applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the applicant in offence in question, pretrial detention of the applicant from 16/06/2015 and charge sheet has already been, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the

satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari