

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 245 of 2016

- Devraj Yadav S/o Mandhar Aged About 42 Years R/o Village & Post Office - Behrakhar, Police Station - Narayanpur, Tahsil - Kunkuri, District - Jashpur - Chhattisgarh Pin - 496225.

---- **Petitioner**

Versus

- State of Chhattisgarh Through - Police Station - Narayanpur, District - Jashpur Chhattisgarh

--- **Respondent**

MCRCA No. 253 of 2016

- Dharam Sai Nag S/o Late Ronha Aged About 40 Years Caste Nagvanshi, R/o Village & Post Office Behrakhar, Police Station Narayanpur, Tahsil Kunkuri, District Jashpur, Chhattisgarh. Pin 496225

--- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Narayanpur, District Jashpur, Chhattisgarh.

--- **Respondent**

For the applicant(s)	:	Mr. Sudeep Verma, Advocate.
For the Respondent	:	Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.03.2016

1. Apprehending arrest in connection with Crime No. 8 of 2016 registered at Police Station Narayanpur, District Jashpur (C.G) for the offences punishable under sections 3 & 7 of the Essential Commodities Act and Sections 409, 120-B, 34 of the IPC the applicants have filed these application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Since both these applications are relating to the same crime number, they are being disposed of by this common order.
3. As per the prosecution case, the applicants who were running

the Fair Price Shop at village Behrakhar have distributed less quantity of rice to the card holders for the period from June 2015 and December 2015 and thereby they have committed misappropriation of 26.74 quintals of rice and other ration material.

4. Learned counsel for the applicants submits that applicant Devraj Yadav is Up-Sarpanch and Dharamsai Nag is Sarpanch of village and they have been falsely implicated in this case as the entire fair price shop was under the control of one Hukum Chand Nag who has been appointed as seller as per the Resolution No.29 which is filed along-with the application. He further submits that since the distribution of various goods was being done by Hukum Chand Nag, consequently, no case is made out against the applicants.
5. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that in the primary enquiry it was found that both the applicants were running the Fair Price Shop along-with Hukum Chand Nag.
6. Perused the document and primary report which was submitted by Food Inspector wherein it was stated that these applicants have also participated in distribution of goods. Further considering the statements of different card holders and *prima-facie* considering the documents available in case diary, I am not inclined to allow the applicants on bail. Accordingly, their bail applications seeking anticipatory bail are rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**