

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 388 of 2016

1. Gyaneshwar Singh @ Gyanu S/o R. K. Singh Aged About 36 Years R/o Nehru Nagar, Bhilai, Tahsil & Distt. Durg Chhattisgarh
2. Sajid Khan S/o Saleem Khan Aged About 32 Years R/o Camp - 01, Bhilai, Tahsil & Distt. Durg Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through, The Station House Officer, Police Station - Supela, Distt. Durg Chhattisgarh

---- Respondent

For applicants – Shri Awadh Tripathi, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/05/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 265/2016 registered at Police Station Supela, Distt. Durg (C.G.) for offence punishable under Section 188, 272 of IPC read with section 59 and 63 of Food Safety and Standard Act, 2006.
2. As per the prosecution case on a information received to the Police Station Supela, Bhilai that truck bearing registration No.C.G.-04-JA-5799 loaded with Pan Masala Gutka added with Tobacco is parked at Lal Maidan, Farid Nagar raid having been made, driver Jagdish Yadav was arrested and on interrogation it was revealed that the applicants have called for the said Pan Masala Gutka. Thereby, offence has been committed by the applicants and sale of Pan Masala has been banned in the Chhattisgarh.
3. Learned counsel for the applicants submits that only on the statement of the driver, these applicants have been inculpated and no

evidence is on record to show that the said Pan Masala Gutka was called for by these applicants. He submits that though Pan Masala Gutka amounting to Rs.20 lakhs was seized but no claim has been made by anyone, it cannot be stated that these applicants have committed the offence.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary. Except statement of Jagdish Yadav, no evidence is on record whereby it can be stated that the said Pan Masala Gutka was owned by these applicants who are in process of sale. Record shows that truck has been released to one Arun Singhal. Perusal of the statement of witness also shows that initially the applicants were called for to produce documents, they appeared but no documents were produced. Except this no investigation is on record to inculcate these applicants, therefore I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court

or to any police officer;

(iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE