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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1168 of 2016**

Rajendra Bansal, S/o. Late Shri Amilal, aged about 55 years, R/o. Mohalla Mayapur, Thana & Tehsil Ambikapur, District – Surguja (C.G.)

----Applicant

**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station – Ambikapur, District – Surguja (C.G.)

---- Respondent

**M.CR.C.(A). No. 1183 of 2016**

Rajendra Bansal, S/o. Late Shri Amilal, aged about 55 years, R/o. Mohalla Mayapur, Thana & Tehsil Ambikapur, District – Surguja (C.G.)

----Applicant

**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station – Ambikapur, District – Surguja (C.G.)

---- Respondent

**AND****M.CR.C.(A). No. 1184 of 2016**

Rajendra Bansal, S/o. Late Shri Amilal, aged about 55 years, R/o. Mohalla Mayapur, Thana & Tehsil Ambikapur, District – Surguja (C.G.)

----Applicant

**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station – Ambikapur, District – Surguja (C.G.)

---- Respondent

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| For Applicant        | : Mr. Amrito Das, Advocate           |
| For Respondent/State | : Mr. Anil S. Pandey, Govt. Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****06/01/2017**

1. All the above three bail applications are being heard and decided together by this common order as they are arising out of series of

raid being conducted simultaneously on 05.07.2016, 06.07.2016 and 11.08.2016.

2. The applicant has preferred these bail applications for grant of anticipatory bail in connection with Crime No.463/2016 for the offence punishable under Section 420 of I.P.C. read with Section 3, 7 of the E.C. Act and Order 7 and 19 (c) (ii) of Fertilizer (Control) Order 1985, and in connection with Crime No.559/2016 for the offence punishable under Section 285 of Indian Penal Code read with Section 3/7, 3 (2) (d) and 7 (a) of the E.C. Act and in connection with Crime No.466/2016 for the offence punishable under Section 420, 483, 486, 467, 468 & 471 of I.P.C. read with Section 103 and 104 of Trade Marks Act, registered at Police Station- Ambikapur, District – Sarguja (C.G.).
3. Case of the prosecution, in brief, is that on 05.07.2016, Fertilizer Inspector, Ambikapur on information received, raided the go-down, and recovered 734 bags of Navratna Fertilizer, 576 bags of Narmada Phosphate and 830 bags of Anand Super Phosphate along with 100 tones of fly ash. It is alleged that the said fly ash was being mixed in to the fertilizers, thereby sub-standard fertilizers were being made so as to inflate the quantity and sale the same. It is further alleged that it was being packed in different bags, which were also found. Subsequently, on 06.07.2016, after opening of the lock of the go-down, again raid was conducted and 500 liters of jar of mustard oil of Kalash brand were recovered but actually it was not of Kalash brand and they were being packed and sold. Likewise, again when the premises was searched on 11.08.2016, Kerosene oil and Turpentine oil was found and it is alleged that the

said Kerosene oil was being converted by the chemical into Turpentine oil. It is further alleged that the applicant along with his son have carried out the business. Thereby the offence has been committed.

4. Learned counsel for the applicant would submit that the go-down, wherein the raid was conducted belonged to one Asha Devi, W/o. Rajendra Bansal – Agrawal and the applicant has been falsely implicated being of the same name i.e. Rajendra Bansal and identity of the applicant has been mixed up with go-down owner Rajendra Bansal. It is further submitted that the applicant is running different business as such the applicant do not have any nexus with the present case and on the basis of mistaken identity, the applicant has been inculpated. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
5. Per contra, learned counsel for the State opposes the bail application.
6. I have heard the learned counsel for the parties.
7. Perused the case diary, documents as also the statement of Asha Agrawal, wherein it is stated that the present applicant along with his son Sandeep have obtained the go-down for running the business. The person, who were present at the time of initial raid also stated that the present applicant was also present when first raid was conducted. Taking into the totality and the facts and circumstances of the case, it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not

be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail applications are dismissed.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge