

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8039 of 2016

- Sandeep Bansal s/o. Rajendra Bansal, aged about 30 years, resident of Mohalla Mayapur, Thana & Tehsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, PS Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 10-8-2016 in connection with Crime No. 466 of 2016, registered at Police Station Ambikapur, District Surguja (CG) for the offence punishable under Sections 420, 467, 468, 471, 483, 486/34 of IPC and Section 103, 104 of Trade Marks Act.
2. As per prosecution case, on information being received, a raid was conducted in the godown of the applicant and certain mustard oil were recovered from different bottles which were being used under different trade marks. The said mustard oil was sub-standard and by using the fake trade marks of different branches, the same oil was being packed and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, no oil was seized, the goods which were recovered cannot be said to be adulterated. It is further submitted that charge-sheet has been filed, the applicant is in jail since 10-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. State was directed to call for the report of the sub-standard of oil which was seized. As per reply, it is stated that the said oil was substandard in view of Section 3(1)(zx) of the Food Safety and Standards Act, 2006.
5. I have heard learned counsel for the parties, perused the case diary, documents and also the report of Food Analyst dated 25-7-2016
6. Taking into consideration the facts and circumstances of the case, the evidence collected by the prosecution and further considering the report of Food Analyst dated 25-7-2016 which is filed before this Court and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 10-08-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

