

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6923 of 2018**

1. Rajesh Sao S/o Shri Krishna Sao Aged About 38 Years R/o Camp - 1 Bhilai, Thana - Chhawani, District - Durg, Chhattisgarh, At Present R/o Singh Dhaba Munund, Tahsil - Dharamjaygarh, Civil And Revenue District - Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Rajeev Kumar Sao S/o Shri Ram Sao Aged About 28 Years R/o Camp - 1 Bhilai, Thana - Chhawani, District - Durg, Chhattisgarh, At Present R/o Singh Dhaba Munund, Tahsil - Dharamjaygarh, Civil And Revenue District - Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

The State Of Chhattisgarh Through The Station House Officer, Police Station Chhal, District - Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sumit Shrivastava, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/11/2018**

1. Concerned investigating officer Abhay Singh is present personally along with case diary.
2. This is the second bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court. First bail application is dismissed on merits on 31/08/2018.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.82/2018 registered at Police Station Chhal, District Raigarh (C.G.) for the offence punishable under Section 120-B of IPC and Section 3, 7 of Essential Commodities Act.
4. Case of the prosecution, in brief is that on 10-5-2018 at about 2.30 am sub-inspector conducted raid in Singh Dhaba, Munund. It was found that atanker bearing registration No. GJ 15 Z 1949 was present there. On that tanker, 'Pubic Distribution System' was written. From that tanker, blue kerosene was being filled in truck bearing registration No. CG 04 HV 7027. The driver of that tanker was Mayaram. The driver of that truck was Sanjesh Rathi. Applicant Ajay Singh, owner of the Singh Dbaba was purchasing the blue kerosene from Mayaram who was selling the said kerosene. Owner of the tanker are Jairam Bareth and Anil Sabarwal. From said Dhaba, 17 barrels containing kerosene were also seized. The applicants Ajay Singh, Rajesh Sao and Rajeev Kumar Sao were also involved in sale of blue kerosene. Blue kerosene is essential commodity and could not be sold openly.
5. Learned counsel for the applicants submits that they have innocent and falsely implicated in the present case, therefore, they shall be released

on bail.

6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
7. There is no such change of circumstances which may entitled applicants to get the benefit of Section 439 of CrPC in second round. Thus, second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde