

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7001 of 2018**

Mayaram Kewat S/o Manaram Kewat Aged About 28 Years R/o Village-Sharhar, Police Station- Baradwar, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- **Applicant**

Versus

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

---- **Respondent**

For the Applicant	:	Shri Kamlesh Kumar Pandey, 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 first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
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 Dhamtari (C.G.) for the offence punishable under Section 120-B of IPC and Section 3, 7 of the 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 applicant submits that he has innocent and falsely implicated in the present case, therefore, he 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 applicant.
7. Looking to the fact that the blue kerosene is the essential commodity and could not be sold in open market, it is subject matter of the public distribution system, looking to the seriousness of the alleged offence and also the

impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.

8. Consequently, the application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde