

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1089 of 2017

- Pranay Kumar Gupta S/o Ramdhani Gupta, Aged About 28 Years
Profession Business R/o Ward No. 07, Baisagarpara, Baikunthpur,
District Koriya Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Patna, District Koriya
Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sunil Otwani, Advocate.
For Respondent	:	Mr. Aditya Sharma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/03/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.224/2017 registered at Police Station- Patna, District Koriya (C.G.), for the offence punishable under Sections 3 & 7 of the Essential Commodities Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is a transporter to whom a contract has been awarded by the State Civil Services Corporation for transportation of rice from the godowns of the Food Corporation of India to the destination, as per details provided by the authorities of FCI. Applicant had hired various trucks from the concerned truck owners and one of such trucks was owned by co-accused Mohammad Irfan and the same was being driven by driver

Chandrabhan Singh. A consignment of 378 bags of rice was loaded in the truck for being transported to a Fair Price Shop and out of which, 248 bags went missing whereas 130 bags were returned by the Salesman of the Fair Price Shop mentioning the reason, that the rice in the bags were found wet. A Panchanama to this effect was also prepared by the Salesman of the said Fair Price Shop. The concerned truck driver unloaded the remaining rice bags in rice mill where the bags were opened for drying out the wet rice contained in those bags. No case is made out against this applicant and this applicant has no direct involvement in the said transporting procedure. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. No case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the case in investigation, on receipt of a confidential information, the police personnel of PS- Patna, raided the premises of Indian Agro Rice Mill, Chirguda, and found that the bags of rice meant for the Public Distribution System (in short 'PDS') were being unloaded from a truck bearing registration No. MP-18-GA-2014 and in total defalcation of 15 tonnes and 550 kg of rice was found to have been made for which the truck owners, drivers and rice millers have also been arrayed as an accused in this case.
6. Considered on the entire material present in the case diary, although applicant has responsibility, according to the contract entered between him and the State Civil Supplies Corporation, but regarding his

dereliction in responsibility is a question which needs further investigation. For the present, I am of this view that since applicant has no criminal antecedents, he should be benefited with grant of anticipatory bail.

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

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

