

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 15 of 2019**

1. Sushankar Vyapari, S/o. Sushant Vyapari, Aged About 38 Years,
 2. Deepankar Vyapari, S/o. Sushant Vyapari, Aged About 35 Years,
 3. Sushant Vyapari, S/o. Satish Chand Vyapari, Aged About 54 Years
- All are R/o Village Singarpuri Camp Police Station Farasgaon Tahsil Farasgaon District Kondagaon Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station Farasgaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicants	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/01/2019**

1. Apprehending arrest in connection with Crime No.110/2018, registered at Police Station – Farasgaon, District – Kondagaon (C.G.) for offence punishable under Section 3 & 7 of Essential Commodities Act, 1955, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The applicants are in the business of transportation because of which they had kept and stored some

petrol and diesel after making purchase of the same from the petrol pump for the use in the vehicle of transport and they had no other purpose of such storage of fuels, therefore, no case is made out against these applicants. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that any storage of petrol and diesel can be made only under the duly issued license from the authorities and the purpose of such storage may also have been for trade, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Shashi Singh, Food Inspector of Farasgaon has filed a complaint that seizure of 300 liters of petrol and 75 liters of diesel were made from the go-down of the applicants, which was illegally kept and stored in contravention of Chhattisgarh Motor Spirit and High Speed Diesel (License and Control) Order 1980 and Motor Spirit and High Speed Diesel (Praday Tatha Vitaran Ka Vinimayan Aur Anachar Nivaran) Order, 2005, which was punishable under Section 3 and 7 of the Essential Commodities Act. Hence, this case.
6. Considered the submissions and the contents of the case diary. After due consideration on all the entire material present in the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge