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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 32 of 2019

- Bipat Gupta (wrongly mentioned Vipat in the impugned order) S/o Lt. Banshi Sao, Aged About 42 Years, R/o Ramanujganj, P.S. Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through the Police Station Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri V.K. Pandey, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-01-2019

1. Apprehending arrest in connection with Crime No.170/2018, registered at Police Station – Wadrafnagar, District-Balrampur-Ramanujganj, Chhattisgarh for offence punishable under Section 3 & 7 of Essential commodities Act, read with Section 409 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in these case. No case is made out against this applicant. The applicant is a transporter and had received the rice bags from godown at Wadrafnagar for supplying the same to Shardapur and two different places. As the rice bags of supply were excess and could not be loaded in the truck, the applicant kept the same, i.e., 14 bags of rice in the house of one Ramapati wife of Buddhdev temporarily, to be transported later on. It is submitted that the complainant Food Inspector and others had some grievance against this applicant, because of which, he made seizure of that rice kept in the house of Ramapati and registered the case against him. The applicant had later on picked up the rice bags stored in the house of Ramapati and supplied

the same to the destination on the very next day. Hence, this applicant has not committed offence of embezzlement or offence under the Essential Commodities act. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. It is not disputed that this applicant is a transporter and had the transport contract for supply of PDS articles. On the date of incident he was provided with the bags of rice for supply to different destinations, but for unknown reasons the applicant stored about 14 bags of rice in the house of Ramapati on the day of transport. Thereafter, the officers of food department made seizure of the same under the provisions of Essential Commodities Act. From the case diary itself, it has appeared that the applicant had picked up the rice stored in the house of Ramapati and supplied to the place where it was to be supplied.

6. After due consideration on the entire material present in the case diary, I am of this opinion that this is a fit case for grant of anticipatory bail to this applicant.

7. Accordingly, the anticipatory bail application is allowed. 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 executing a personal bond in 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil