

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1511 of 2019

- Sajan Malhotra S/o Late Ram Saran Das Malhotra Aged About 65 Years R/o In Front Of Gurudwara, Mahaveer Nagar, Police Station New Rajendra Nagar, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Arang, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 529/2019, registered at Police Station City Arang, Distt. Raipur (C.G.) for the offence punishable under Sections 3 & 7 of the Commodities Act.
2. As per prosecution story, the applicant is working as a manager of one Kilpest India Limited Company, Raipur. The said company is a manufacturer of fertilizers namely Micro Nutrient. On 22.05.2019, Fertilizer Inspector namely Ms. Yogita Shrivastava conducted inspection in Pradeep Beej Bhandar and taken the sample of said fertilizer. It was found that the said fertilizer is substandard. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the head office of said company situated at Bhopal (M.P.), where the packed fertilizers are being delivered to the regional office Raipur (C.G.) and the applicant is delivering the packed fertilizer as it is to the concerned dealers as per their demand order. The applicant is not a manufacturer of said fertilizer. He is only a Depot Manager of Kilpest India Company, therefore, prima facie no offence can be made out against the applicant. Hence, it is prayed that an application for grant of anticipatory bail filed by the applicant may be allowed.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the applicant is only a Depot Manager of Kilpest India Company. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge