

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1535 of 2019

- Nain Singh Chandrakar S/o Late Shatruhan Chandrakar Aged About 67 Years R/o Suman Colony, Baihar, Arang, Tahsil Arang, District Raipur Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/11/2019

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 Essential Commodities Act.
2. As per prosecution story, the applicant is the director of one Pradeep Beej Bhandar. Allegedly, on 22.05.2019, an inspection was conducted by Fertilizer Inspector Ms. Yogita Shrivastava in Pradeep Beej Bhandar and taken the sample of Micro Nutrient Fertilizer. On being examined the said sample of fertilizer, It was found that the said fertilizer is substandard. On the basis of said background, report was lodged by Fertilizer Inspector and thereafter 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 applicant was not manufacturing the said fertilizer and he is only used to purchase the fertilizer from manufacturing company and sale it to the needy farmer, for which, the applicant was holding license, therefore, no offence can be made out against the applicant. He further submits that co-accused Sajan Malhotra working manager of Kilpest India Limited who manufactured the said fertilizer has already been granted benefit of bail by this Court vide order dated 07.11.2019 passed in MCRCa no. 1511/2019. Hence, it is prayed that the applicant may also be granted benefit of anticipatory bail.
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 the director of Pradeep Beej Bhandar. He was not manufacturing the said fertilizer. Co-accused Sajan Malhotra working manager of Kilpest India Limited who manufactured the said fertilizer has already been granted benefit of bail by this Court. 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