

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 441 of 2020**

- Shripal Jain S/o Kailashchand Jain Aged About 48 Years R/o Proprietor Kailash Grain Stores, Village Anaj Line, Supela Market Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Chowki Jevra Sirsa, Police Station Poolgaon, Tahsil And District Durg, Chhattisgarh.,

---- Respondent

For Applicant : Mrs. Smita Jha, Advocate.
 For Respondent/State : Mr. Vimlesh Bajpai, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****22-06-2020**

Heard.

1. The applicant has preferred this bail application under Section 438 of Code of Criminal Procedure 1973 for grant of anticipatory bail apprehending his arrest in connection with Crime No. 57 of 2020 of Police Chowki Jevra Sirsa, Police Station Poolgaon, District Durg (C.G.) for alleged commission of offence under Sections 3 & 7 of the Essential Commodities Act, 1955.

2. Case of the prosecution is that a Truck bearing registration No. MH 30 AV 1786 was intercepted during transportation towards Maharashtra and was found loaded with 606 bags of rice weighing

250 acquittals. According to the prosecution, the driver failed to produce any document with regard to rice and truck was seized and driver, during investigation, disclosed that the rice found in the said truck was that of public distribution system.

3. Learned counsel for the applicant submits that the applicant is a registered trade and merchant dealer and is involved in purchase and sale of rice in the State of Chhattisgarh and it is usual for him to sell the grains to other persons. The suspicion has been raised only because the driver failed to produce any document and as per the report of quality Inspector, the quality of rice is said to be similar to that used for public distribution system which cannot be said to be an incriminating material because the quality of rice meant for public distribution system is also subject matter of sale and purchase in open market by merchant dealers like the present applicant.

4. On the other hand, learned counsel for the State opposing the prayer for grant of anticipatory bail would submit that according to material contained in the case diary, when the truck was seized, the driver failed to produce any document whatsoever and not even billty regarding the huge quantity of rice as to where it was proposed to be taken. He would also submit that the applicant has prepared self serving document. He would also argue that when report of quality inspector was received, it has been found that the rice is one similar to public distribution system.

5. From the submissions of learned counsel for the parties and material on record, it appears that when truck was seized, the driver failed to produce any document including any billty regarding transportation of rice to any particular destination, much less, destination shown in Annexure A/3 filed by the applicant. Report of quality inspector also *prima facie* shows that the rice is one meant for public distribution system. Therefore, present is not a fit case for grant of anticipatory bail.

6. Learned counsel for the applicant , at this stage, submits that the applicant is a heart patient.

7. Accordingly, the application is liable to be and is hereby rejected. However, considering the health condition of the applicant, it is directed that in case the applicant surrenders and applies for regular bail, the court below shall consider and decide his application as far as possible, preferably, within three days.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju