

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 689 of 2020**

1. Santosh Kumar Sahu, S/o Late Sakha Ram, Aged About 52 Years R/o Village Nunera, Police Station And Tahsil Pali, District Korba, Chhattisgarh.
2. Pappu Sahu @ Bhuneshwar Kumar Sahu S/o Santosh Kumar Sahu, Aged About 27 Years R/o Village Nunera, Police Station And Tahsil Pali, District Korba, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through - Police Station Pali, District Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicants : Shri Kalyan Kalamkar, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****17/07/2020**

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Police Istagasha No. 01/2020 for the offence punishable under Section 41-1(4) of Cr.P.C. and 379 of I.P.C., registered at police station Pali, District Korba, Chhattisgarh (later on registered as Crime No. 137/2020, P.S.- Pali, District Korba, Chhattisgarh for the offence punishable under Sections 3 and 7 of the Essential Commodities Act).
2. According to case of the prosecution, on 22.5.2020 on being searched

a vehicle bearing registration No. CG 12 AU 2047 which was driven by one Bhagwat Shyam, total 40 quintals of paddy and 3 quintals of rice of PDS were recovered. Thereafter, a notice was given to the owner of the vehicle namely Ayush under Section 91 of Cr.P.C. When asked about the same, he disclosed the fact that the above paddy and rice belong to the present applicants. Initially, police registered Istagasha No. 1/2020 for offence under Section 41-1(4) of Cr.P.C. read with Section 379 of I.P.C., later on converted in Crime No. 137/2020 P.S.- Pali, District Korba, Chhattisgarh for the offence punishable under Section 3 and 7 of the Essential Commodities Act.

3. Learned Counsel appearing for the applicants submits that applicants are innocent and have been falsely implicated in the present case. Referring to receipts of C.G. Rajya Krishi Vipnan (Mandi) Board, Raipur, dated 7.3.2020 annexed as Annexure A/2, he further submits that applicants have already obtained required permission from the Board and on the basis of the said permission, on the date of incident, they hired tractor for transportation of paddy and rice to Ratanpur. Therefore, *prima facie*, no case can be made out against applicants. He further submits that there is no previous incident relating to such offence, also, no custodial interrogation is required. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the

parties and considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They 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