

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1991 of 2019

Biharilal Agrawal S/o Balram Das Agrawal Aged About 59 Years Resident In Front of Sati Mandir, Bhatapara, Police Station And Tahsil Bhatapara, District Balodabazar Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Office Of Dpt. Director , Food And Medicine Department , Police Of Police Station Bhatapara, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Shashank Thakur and Mr. Varunendra Mishra,
Advocates.

For Respondent/State : Mr. Susheel Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/03/2020

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 unnumbered crime, registered Through the Office of Dpt. Director Food and Medicine Department, Distt. Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 26 A, 18A, 18 (a)(iii) and 18 (a)(vi), 27 (b)(ii), 28B, 28, 27 (d) of the Drugs and Cosmetics Act, 1945.
2. As per prosecution story, on 27.07.2019, Food Inspector made an inspection to one 'M/s Ajay Pashu Aahar' at that time the applicant was present in the said shop, he was found in possession of prohibited articles i.e. Oxytocin Liquid bottles (90 small and 14 big) which is prohibited under the Drugs and Cosmetics Act, 1940. Thereafter, the crime has been registered against him.
3. Learned counsel appearing on behalf of the applicant submit that the applicant is innocent and has been falsely implicated in the present case. The counsel further submit that at the time of inspection/raid, the applicant was present there but he is not the owner of said shop, therefore, he can not be held responsible for the articles which were found in the shop. The

counsel further submits that the applicant is 59 year old man and he is a reputed person of his society. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 at the time of inspection/raid, the applicant was present there but he is not the owner of said shop. 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 solvent 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 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