

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C(A) No.1017 of 2021**

Bhishan Sahu @ Bhim Sahu S/o Shri Dukaluram Sahu Aged About 52 Years
R/o Village Lafdinkhurd, Thana Mahasamund Tahsil And District
Mahasamund Chhattisgarh **----Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Mahasamund District Mahasamund Chhattisgarh **----Non-Appllcant**

For Applicant:

Shri Sunil Sahu, Advocate.

For State:

Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

07/09/2021

1. The Applicant has preferred this bail application under Section 438 of Cr.P.C. as he is apprehending his arrest in connection with Crime No. 501/2018 registered at Police Station Mahasamund, District Mahasamund, C.G. for the offence punishable under Sections 3 & 7 of the Essential Commodities Act, 1955.
2. As per the prosecution case, Senior Agriculture Development Officer and Fertilizer Inspector Bhimrao Ghodesawar has registered FIR on 29.09.2018 alleging that an unauthorized stock of fertilizers consisting of DAP-440 bags and Urea 320 bags was found in the house and go-down of the present Applicant, which was seized as he was not possessing valid and effective license. On report being lodged to the above effect, the aforesaid offence has been registered against the present Applicant.
3. Learned counsel for the Applicant submits that the present Applicant is

an innocent person and has been falsely implicated in this case. He submits that the Applicant is ready to abide by all such conditions as may be imposed by this Court while granting anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application. However, he submits that charge sheet has not been filed.

5. I have heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, the nature of allegation leveled against the present Applicant, further considering the fact that FIR was lodged on 29.09.2018 and the charge sheet has not been filed till now, as per case diary there is no progress in the investigation since 27.09.2020 and no effort was made to arrest the Applicant from 2018 till now, the Applicant has no criminal antecedent, though the matter is under investigation, however, no apprehension is shown by the State counsel of his absconding or tampering with or influencing the witnesses, no custodial interrogation of the Applicant is required, and the trial may take some time due to Covid-19 Pandemic, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for granting anticipatory bail to the Applicant. Accordingly, the application is allowed.

7. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on bail by the Arresting Officer on his furnishing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Arresting Officer. Applicant shall be released on bail on the following conditions:-

- (i) he shall make himself available for interrogation before the Police as and when required,

- (ii) he 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 or to the Investigating Officer,
- (iii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iv) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (v) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (vi) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of Applicant's involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Priya