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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.3505 OF 2022

Shri Sanchan P. Gupta ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Mr. S.K.Dubey i/b Princekumar V. Dubey, for applicant.
Mr.S.V. Gavand, APP for respondent-State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 19, 2022

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** The offence alleged against the applicant for which the pre-arrest bail is sought is under section 420 and 34 of the Indian Penal Code, 1860 and under sections 3, 7, 8 of the Essential Commodities Act, 1955. The rationing authority who is the complainant alleged that the raid was conducted on the shop premises on 23/11/2022 and also alleged that the fair price goods were much short of the

prescribed stock. The applicant is the son of the licence holder who was running the fair price shop for the last 2 years prior to the complaint. During the course of the raid, it was noticed that the stock was short by 7499 kg. The complaint therefore came to be lodged.

3. Learned counsel for the applicant submitted that pest control had to be done and therefore the stock of wheat and rice was temporarily shifted to the adjacent premises. It is however noticed that the balance stock was in the same premises though a plea of pest control is taken. On 08/12/2022 when the premises was raided again, approximately 7320 kg was found and recovered. The allegation pertains to the misuse of foodgrains meant for the weaker section of the society, the shop being a fair price shop. The quantity to the extent of 7550 kg was found short which contravenes the provisions of the Essential Commodities Act. This is not a fit case for grant of pre-arrest bail. The application is rejected.

(M. S. KARNIK, J.)