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**(2018) 08 CHH CK 0392**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 5872 Of 2018

Sanjesh Rathi And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** Aug. 31, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 120B
- Code Of Criminal Procedure, 1973 - Section 439
- Essential Commodities Act, 1955 - Section 3, 7

**Citation:** (2018) 08 CHH CK 0392

**Hon'ble Judges:** Sharad Kumar Gupta, J

**Bench:** Single Bench

**Advocate:** Sunil Sahu, Vinod Tekam

**Final Decision:** Dismissed

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**Judgement**

Sharad Kumar Gupta, J

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending

before any other court.

2. The applicants have been arrested in connection with Crime No. 82/2018 registered in police station Chhal, Distt. Raigarh (CG) for offence

punishable under Section 120-B of the IPC and Sections 3 and 7 of the Essential Commodities Act.

3. Perused the case diary.

4. Prosecution story in brief is that on 10-5-2018 at about 2.30 am sub- inspector conducted raid in Singh Dhaba, Munund. It was found that a tanker

bearing registration No. GJ 15 Z 1949 was present there. On that tanker, 'Public Distribution System' was written. From that tanker, blue kerosene

was being filled in truck bearing registration No. CG 04 HV 7027. The driver of that tanker was Mayaram. The driver of that truck was Sanjesh

Rathi. Applicant Ajay Singh, owner of the Singh Dhaba was purchasing the blue kerosene from Mayaram who was selling the said kerosene. Owner

of the tanker are Jairam Bareth and Anil Sabarwal. From said Dhaba, 17 barrels containing kerosene were also seized. The applicants Ajay Singh,

Rajesh Sao and Rajeev Kumar Sao were also involved in sale of blue kerosene. Blue kerosene is essential commodity and could not be sold openly.

5. Looking to the fact that the blue kerosene is the essential commodity and could not be sold in open market, it is subject matter of the public

distribution system, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to

grant bail to the applicants.

6. Consequently, the application is rejected.