

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH, JAIPUR.

S. B. Crim. Mi sc. Bail Appl. No. 11017/2014.  
Sampat Ram Gupta Vs. State of Raj.

Date of Order : 30.09.2014.

HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Shri KN Sharma, counsel for petitioner.  
Shri NS Dhakad, PP for State.

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in a case arising out of FIR No.190/2014 registered at Police Station, Uchain Distt. Bharatpur for the offence punishable under Section 3/7 Essential Commodities Act, 1955.

It is alleged that petitioner being a fair price shop dealer was transporting three bags of wheat meant for sale through Public Distribution System for sale in the open market. Counsel for the petitioner has submitted that alleged wheat has already been recovered. Counsel for the petitioner has further submitted that it is alleged that petitioner had made bogus entries of Ration Card in the record to take undue advantage of Public Distribution System. Counsel for the petitioner has submitted that three bags of wheat had already been recovered and record has also been taken away by the Investigating Agency hence, custodial interrogation of the petitioner is not warranted.

After hearing counsel for the parties, considering that truth and veracity of the allegations shall be determined during the course of the trial and offence if any, is based upon documents and the documents are available with the Investigating Agency and alleged wheat has already been recovered, this Court is of the view that custodial interrogation of the petitioner is not warranted.

Consequently, present petition is accepted and it is ordered that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer. The petitioner shall abide by all the conditions specified under section 438 (2) Cr.PC and shall appear before the investigating officer as and when called for.

**(Kanwaljit Singh Ahluwalia), J.**

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Certificate- All corrections have been incorporated in the judgment/order being emailed.

Naval Kishore Gandhi  
P.A.cum judgment writer