

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12587 of 2023

Applicant :- Prabha Devi

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Harish Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. Heard Sri Harish Chandra, learned counsel for the applicant and learned AGA for the State.

2. The offence u/s 3/7 of Essential Commodities Act is cognizable, but bailable as such and, therefore, the application u/s 438 Cr.P.C. for grant of anticipatory bail under this Section is not maintainable. It is pertinent to mention here that there is a specific provision u/s 438 Cr.P.C. (U.P. Amendment) wherein it is provided that where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session.

3. This being the legal position, the present anticipatory bail application u/s 438 Cr.P.C. is not maintainable as such and is **disposed of** accordingly.

(Justice Krishan Pahal)

Order Date :- 17.11.2023

Siddhant