

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12198 of 2023

Applicant :- Sanjay Lala @ Sanjay Gupta

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

Counsel for Applicant :- Shashi Kant Pandey, Shantanu Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Shashi Kant Pandey, learned counsel for the applicant as well as Sri Sunil Kumar, learned A.G.A. for the State and also perused the record.
3. The present application for anticipatory bail has been filed for protection in regard to FIR/Case Crime No. 88 of 2020, under Section 3/7 E.C. Act, P.S.- Hasayan, District- Hathras.
4. 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.
5. 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 :- 6.11.2023

Shalini