

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12926 of 2023

Applicant :- Sandeep Singh

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

Counsel for Applicant :- Puneet Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Sri Rajesh Sharma, Advocate holding brief of Sri Puneet Srivastava, learned counsel for the applicant and Sri Anit Kumar Shukla, learned A.G.A. are present.
2. The present application for anticipatory bail has been filed for anticipatory bail in Anticipatory Bail Application 5353 of 2023 (Sandeep Singh vs. State of U.P. in Case Crime No.477 of 2022, under Sections 3/7 E.C. Act, Police Station Akraabad, District Aligarh, during the pendency of trial.
3. The offence under Section 3/7 Essential Commodities Act is cognizable, but bailable as such and, therefore, the application under section 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 under Section 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 Sessions.
4. This being the legal position, the present anticipatory bail application under Section 438 Cr.P.C. is not maintainable and is accordingly **dismissed**.
5. Interim protection granted, if any, stands vacated.

Order Date :- 28.11.2023

Ravi Kant

(Krishan Pahal, J.)