

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3653 of 2015

Moh. Wasim, S/o Mo. Bashir, aged about 23 years, R/o Dipupara, P.S. Tarbahar, Bilaspur, District Bilaspur (C.G.)

---- Applicant

Versus

State of C.G., through P.S. Tarbahar, Bilaspur, District Bilaspur (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.3747 of 2015

Ahsan Ali, S/o Munnu Ali, aged about 50 years, R/o Near Ghasidas Mandir, Police Station Tarbahar, Tahsil & District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Tarbahar, District Bilaspur (C.G.)

---- Non-applicant

For Applicants:	Mr. Amit Kumar, Advocate.
For Non-applicant:	Mr. Siddarth Rathore, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/08/2015

1. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.164/2015, registered at Police Station Tarbahar, Bilaspur, for the offence punishable under Sections 285 of the IPC, 3 and 7 of the Essential Commodities Act.
3. Case of the prosecution, in brief, is that the applicants are alleged to have

found in possession of 100 litres of petrol in violation of the Control Order and thereby committed the offence under Sections 3 and 7 of the Essential Commodities Act.

4. I have heard learned counsel for the parties and perused the case diary.
5. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case. Applicant Mohd. Wasim is in jail since 2-7-2015 and applicant Ahsan Ali is in jail since 26-6-2015. He further submits that offence under Section 285 of the IPC is bailable and the applicants have valid authority to possess the said 100 litres of petrol.
6. On the other hand, learned State counsel opposes the bail applications.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants, pre-trial detention of the applicants, material available in the case diary and the fact that charge sheet has been filed, I am of the opinion that the applicants deserve to be released on regular bail. Accordingly, the applications are allowed.
8. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge