

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4720 of 2015**

Mohammad Kadir S/o Mohammad Farukh Memon, aged about 19 years, R/o Village – Mahalpara, Baikunthpur, Police Station – Baikunthpur, Civil & Revenue Distt. Korea (CG)

---Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Police Station-Baikunthpur, Distt.Korea (CG)

---Non-applicant

For Applicant	:	Mr.Awadh Tripathi, Advocate
For Non-applicant	:	Mrs.Anusuiya Rajput, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.192/2015, registered at Police Station-Baikunthpur, District-Korea (C.G.), for the offence punishable under Sections 3 and 7 of the Essential Commodities Act.
2. Case of the prosecution, in brief, is that the applicant was found carrying in his vehicle 150 bulk liters of kerosene in violation of the control order under the provisions of Sections 3 and 7 of the Essential Commodities Act and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely been implicated in crime in question. He would further submit that the applicant was carrying kerosene at the instance of owner of fair price shop from his house to his shop, he is in jail since 17.8.2015 and charge-sheet is yet to be filled, and therefore, he may be

enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; defence of the applicant, taking note of the fact that he is driver of the vehicle and his pre-trial detention, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-