

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4979 of 2015

Raghuram Sethiya, S/o Shri Sukhasingh Sethiya, aged about 34 years,
Caste Kalar, R/o Bandapara, Sonabal, Tahsil & District Kondagaon (C.G.)
---- Applicant

Versus

State of Chhattisgarh, Through the Station House in-charge, P.S.
Kondagaon, Thasil and District Kondagaon (C.G.)
---- Non-applicant

For Applicant:	Mr. Sourabh Sharma, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.201/2015 (Criminal Case No.374/2015 pending in the Court of Chief Judicial Magistrate, Kondagaon), registered at Police Station Kondagaon, Distt. Kondagaon, for the offence punishable under Sections 3 & 7 of the Essential Commodities Act, 1955, for committing breach of the Kerosene (Restriction on use and fixation of Ceiling Price) Order, 1993 and the Chhattisgarh Cooperative Societies Act, 2004.
2. Case of the prosecution, in brief, is that in the month of October, 2014, the applicant was found selling 227 litres of kerosene oil worth about Rs.3,000/- pertaining to public distribution system, unauthorizedly, and thereby committed the offence.
3. Learned counsel for the applicant submits that the incident is said to be of October, 2014 and FIR has been lodged on 12-8-2015, there is no explanation of delay in lodging the FIR and the applicant is in custody since

12-8-2015. Charge-sheet has been filed. He further submits that co-accused persons Smt. Pati Bai Sori and Kalichandra Jha have been released on regular bail by this Court vide order dated 14-9-2015 passed in M.Cr.C. No.4772/2015, therefore, the present applicant be also granted same benefit.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, quantity of kerosene oil, pre-trial detention of the applicant, charge-sheet has been filed and the fact that co-accused persons Smt. Pati Bai Sori & Kalichandra Jha have already been granted regular bail by this Court, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge