

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5381 of 2015

1. Mohd. Ikrar, aged 29 years, S/o Mohd. Ishrak Khan, R/o Adarsh Nagar, Bercha, P.S. City Kotwali, Civil & Rev. Distt. Sajaipur (M.P.)
2. Mohd. Ikbāl, aged 30 years, S/o Mohd. Ishrak Khan, R/o Adarsh Nagar, Bercha, P.S. City Kotwali, Civil & Rev. Distt. Sajaipur (M.P.)

---- Applicants

Versus

State of Chhattisgarh, Through P.S. Arang, Distt. Raipur (C.G.)

---- Non-applicant

For Applicants:	Mr. Devershi Thakur, Advocate.
For Non-applicant:	Mr. Neeraj Sharma, Deputy Govt. Advocate.

ANDMisc. Criminal Case No.5550 of 2015

Daulat Banjare, S/o Shri Chovaram, aged about 42 years, R/o Village Lakholi, Police Station Arang, Tahsil & District Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through Police Station Arang, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. S.C. Verma, Advocate.
For Non-applicant:	Mr. Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board08/10/2015

1. Since similar transaction and allegation are involved in both the applications and they are arising out of the same crime number, they are being decided 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.263/2015, registered at Police Station Arang, Distt. Raipur, 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 were found in possession of 750 litres of diesel amounting to Rs.36,957/- without authority of law.
4. Learned counsel for the applicants submit that the applicants have not committed any offence and they have been falsely implicated in the crime in question. Applicant Daulat Banjare is an agriculturist and having agricultural machines namely harvester and two tractors and for managing those machines, such a quantity of diesel was kept in his custody and receipts of the same are available which he could not produce at the time of seizure and as such, the applicants are in jail since 8-8-2015 and charge-sheet has been filed.
5. On the other hand, learned State counsel opposes the applications.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicants, role of the present applicants, I am of the view that it is a fit case to grant regular bail to the applicants. Accordingly, both 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. C.C. today.

Sd/-
(Sanjay K. Agrawal)
Judge