

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5598 of 2015

Digambar Bhuihar, S/o Shri Maheshram Bhuihar, aged about 30 years,
Occupation Vehicle Driver, R/o Lamidarha, PS Chakradharnagar, Raigarh,
Tahsil & Civil and Revenue District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer of the PS Kotra Road,
District Raigarh (C.G.)

---- Non-applicant

For Applicant:	Mr. Abhishek Saraf, Advocate.
For Non-applicant:	Mr. Ramakant Mishra, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/10/2015

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.236/2015, registered at Police Station Kotra Road, Distt. Raigarh, for the offence punishable under Sections 3 and 7 of the Essential Commodities Act {para 3 (11) of the Kerosene Restriction on Use and Fixation of Ceiling Prices Order, 1993 and para 11 (5) of the PDS Control Order}.
2. Case of the prosecution, in brief, is that the applicant was found transporting 2,000 litres of blue kerosene oil belonging to the Public Distribution System in violation of the Control Order, 1993 which is punishable under Section 3 read with Section 7 of the Essential Commodities Act.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case, he is in jail since 5-8-2015 and charge-sheet has been filed. He further submits that

the applicant is driver and owner has not been impleaded as accused.

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, role of the present applicant, his pretrial detention, the fact that owner has not been impleaded as accused and charge-sheet has been filed, 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