

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7291 of 2015

- Santosh Kumar Koushal S/o Moolchand Koushal Aged About 24 Years R/o Vill : & Post : Koba, P.S. - Doundi Lohara, Rev. Distt. Balod, Civil Distt. Balod Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : P.S. - Dongargaon, Distt. Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Devershi Thakur, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 225 of 2015 registered at P.S. Dongargaon, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 3 & 7 of the Essential Commodities Act.
2. As per the prosecution, on 07.08.2015 a Tanker bearing Regn.No.MH.04-CG/8619 was carrying Kerosene oil which was tampered by co-accused Sandeep Singh by mixing chemicals and the police could get the clues. When the Truck was being taken away by this applicant Santosh Kumar Kaushal, he was apprehended and said offending vehicle was seized. It is alleged at that time that this applicant was driving the vehicle.
3. Learned counsel for the applicant submits that the applicant was merely a driver who was driving the Tanker which was loaded with Kerosene oil and was not directly involved in commission of crime. He further submits that the charge

sheet in this case has been filed and the applicant is in jail since 07.08.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Taking into totality of the facts and circumstances of the case especially the fact that charge sheet has been filled; offence is triable by the JMFC and looking to the detention of the applicant as he is stated to be in jail since 7.8.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.
7. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**