

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5702 of 2016

1. Chandra Prakash Sahu, S/o. Patiram Sahu, aged about 54 years, R/o. Village-Devarhat, P.S. - Lalpur, Tahsil – Lormi, District – Mungeli (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Lalpur, District – Mungeli (C.G.)

---- Respondent

For Applicant	: Mr. N.K. Chatterjee, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2016

1. This is the second 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.113/2016, registered at Police Station – Lalpur, District – Mungeli (C.G.) for the offence punishable under Section 3, 7 of Essential Commodities Act. The first bail application was dismissed as withdrawn vide order dated 24.08.2016.
2. Case of the prosecution, in brief, is that on information received on 23.06.2016 that the applicant was transporting the food grains i.e. rice which was meant for public distribution system, the vehicle bearing No.C.G.-10C-3516 was intercepted and from the vehicle 11 quintals rice was recovered, which was meant for public distribution system. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and there is no evidence on record to show that goods were meant for public distribution and only on presumption, the applicant has been arrested. He further submits that charge-sheet in this case has been filed and no further investigation is required and the applicant is in jail since 23.06.2016, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicant and the fact that charge-sheet in this case has been filed and the applicant is in jail since 23.06.2016, 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 each 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/-
(Goutam Bhaduri)
Judge