

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5794 of 2016

1. Sonu @ Kishan Patre, S/o. Hemant Patre, aged about 28 years, R/o. Village- Birgaon, Police Station & District – Mungeli (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/09/2016

1. This is the first 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.323/2016, registered at Police Station – City Kotwali, Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 3 & 7 of Essential Commodities Act.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused carrying 440 liters kerosene oil in the vehicle bearing No. C.G.-13C-5027 and such kerosene oil was without any license or authorization. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and alleged seizure having already made, no further investigation is necessary. It is further submitted that co-accused in this case has been enlarged on bail by the trial Court and charge-sheet in this case has been filed and the

applicant is in jail since 30.06.2016, therefore, 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 further considering the fact that charge-sheet in this case has been filed, the applicant is in jail since 30.06.2016, 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 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