

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7986 of 2016

- Manoj Kumar Sao S/o Devnandan Sao, Aged About 45 Years R/o Ramnagar, Near Mukti Dham, Supela, Bhilai, District Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sachin Singh Rajput, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 8-8-2016 in connection with Crime No. 241 of 2016 registered at Police Station Nandghat, District Bemetara (CG) for the offence punishable under Sections 420, 120-B, 467, 468, 471 of IPC and Sections 3 and 7 of the Essential Commodities Act.
2. Case of the prosecution, in brief, is that on information being received that the applicant was converting the black oil into furnace oil by mixing chemicals, water and tablets for sale, a raid was conducted and from the possession of co-accused Ramesh Kumar, oil, chemicals and water pump etc., were seized. Subsequently, on investigation, it was revealed that

present applicant took the shop on rent from Rinku Shukla wherein the said act of conversation has been carried out.

3. Learned counsel appearing for the applicant would submit that there is no evidence available against the present applicant except the statement of Rinku Shukla who has stated that the applicant has taken the shop on rent. Neither seizure has been made nor oil and other chemicals were seized from the possession of present applicant and only on the basis of shop taken on rent, the applicant has been falsely inculpated. It is further submitted that the case under Section 3 & 7 of the Essential Commodities Act is not made out for the reason that furnace oil is not enlisted as essential commodity. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 8-8-2016 and no further investigation is necessary, therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of Rinku Shukla. It appears that the goods were not seized from the possession of the applicant.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that seizure was not made from

the present applicant and also the fact that charge-sheet has been filed and the applicant is in jail since 8-8-2016, I am inclined to release the applicant on bail.

8. Accordingly, the application filed under Section 439 of the Cr.P.C., is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju