

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8044 of 2016

Pushpendra Kurrey, S/o. Dhajaram Kurrey, Aged About 30 Years, R/o. Village Piparbhavna (Te), Police Station Sarsiwa, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O., Police Station- Sarsiwa, District Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. A.S.Rajput, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/12/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.223/2016 registered at Police Station- Sarsiwa, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 03, 07 of the Essential Commodities Act, 1955.
2. Case of the prosecution, in brief, is that a report was received on 17.11.2016 that the applicant has kept in possession of the Kerosene oil which was meant for Public Distribution System and on a raid being conducted from his possession 200 liters of Kerosene oil was recovered. Subsequently, it was found to be of the Government which was meant for distribution.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the said Kerosene oil was supplied by the husband of the Sarpanch in lieu of some job done,

as the materials supplied by the present applicant, and as such he has not committed any offence, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The main allegations have been attributed to one Motilal Banjare, who was the salesman in the distribution shop. Taking into the nature of offence, degree of allegation and the quantity of recovered kerosene oil and further considering the period of detention of the applicant as he is in jail since 18.11.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge