

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 262 of 2017

- Dipankar Sarkar S/o Late Jagbandhu Sarkar, Aged About 32 Years R/o Block No. 18, Police Station- Mana Camp, Tahsil And District- Raipur Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh S/o Through- Police Station- Mana Camp, District- Raipur Chhattisgarh.

---- **Respondent**

For Applicant : Mr. J.P. Gupta, Advocate.
For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31-01-2017

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 on 31-12-2016 in connection with Crime No. 145 of 2016, registered at Police Station Mana Camp, Raipur District Raipur (CG) for the offence punishable under Sections 285 of the IPC and Sections 3 & 7 of the Essential Commodities Act.
2. Case of the prosecution, in brief, is that on 28-9-2016 while the applicant was carrying 295 liters of Diesel and 50 liters of Petrol in his Auto bearing registration No. CG -04-LH 6215, he could not produce any valid licence, therefore, the same were seized and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, seizure was not made in

person from the applicant. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 31-12-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 31-12-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail 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 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju