

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5409 of 2017

- Nabidad Khan S/o Shri Nawab Khan, Age 30 Years, R/o Karaihapara, Ratanpur, P.S. Ratanpur, Tahsil Kota, District-Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through: P.S. Ratanpur, District and Revenue District Bilaspur (CG)

---- Respondent

And

MCRC No. 5482 OF 2017

- Shyam Patel S/o Shobha Ram Patel, Age 20 Years, R/o Gram And Post Office Ratanpur, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Petitioner

Vs

- State Of Chhattisgarh Through Police Station Ratanpur, District And Revenue District Bilaspur, Chhattisgarh.

---- Respondent

And

MCRC No. 6063 OF 2017

- Sultan Khan S/o Shahjad Khan, Age 21 Years, R/o Ratanpur, P.S. Ratanpur, District Bilaspur, Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Through P.S. Ratanpur, District And Revenue District Bilaspur, Chhattisgarh

---- Respondent

For Applicants
For Respondent /State

Mr. Rajkumar Gupta, Advocate
Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/11/2017

1. Heard.
2. These are the three bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.147/17, registered at Police Station Ratanpur, Bilaspur, District and Revenue District Bilaspur (CG) for the offence punishable under Section 379 of IPC, Sections 3, 7, 7(1)(ii) of the Essential Commodities Act and 23 of the Petroleum Act, 1934.
3. Applicant Sultan Khan owns a Dhaba at Karaihapara, Ratanpur Road. On secret information, his premises were raided, on which, 4010 liters of diesel was recovered from the present applicants. Initially, the crime was registered for offence under Section 379 of IPC and under Section 3/7 of the Essential Commodities Act as also under Section 23 of the Petroleum Act, 1934, however, the trial Magistrate has not framed charges against any of the applicants for the offence under Section 379 of IPC.
4. It is argued that the applicants are in jail since 27.5.2017,

therefore, they may be released on regular bail.

5. Learned counsel for the State would oppose the bail applications. However, he would not dispute that the trial Magistrate has not framed charges against any of the applicants for the offence under Section 379 of IPC.
6. Considering the length of pre-trial detention of the applicants; the fact that the offences are triable by the Judicial Magistrate First Class and; the investigation is complete, this Court is inclined to release the applicants on regular bail.
7. Accordingly, all the three bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one surety each for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

8. Certified copy as per rules.

Sd/-

Judge

(Prashant Kumar Mishra)