

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 363 of 2017

- Motilal Banjare S/o Late Shri Baladram Banjare, Aged About 44 Years
R/o Village Madhubankhurd, Police Station Sarsiwa, District Baloda
Bazar Bhatapara Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through The Station House Officer, Police
Station Sarsiwa, Civil And Revenue District Baloda Bazar Bhatapara
Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Janak Ram Verma, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.1.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 223/2016 registered at P.S. Sarsiwa, Distt. Baloda Bazar Bhatapara (C.G) for the offence punishable under Sections 3 & 7 of the Essential Commodities Act.
2. As per the prosecution case, on information being received that the applicant along-with one Puspendra Kurre has kept huge quantity of Kerosne oil which was meant for Public Distribution System, a raid was conducted and from the possession of other accused Pushpendra Kurre, 200 litres of kerosene oil was recovered. Subsequently it was found that the applicant who is husband of the the Sarpanch in connivance with other accused has kept the kerosene oil which was meant for distribution of ration card holders.
3. Learned counsel for the applicant would submit that the

applicant has been falsely implicated in this case; no seizure was from the present applicant and the seizure was made from Pushpendra Kurre who has been enlarged on bail by this Court in M.Cr.C.No.8044/2016 on 19.12.2016, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the said co-accused has been enlarged on bail by this Court.
5. Perused the case diary and the documents. It appears that the seizure was made from co-accused Pushpendra Kurre and not from this applicant.
6. Considering such facts and circumstances of the case especially the fact that the charge sheet has bee filed; no further investigation is necessary and the applicant is in jail since 21.11.2017 as also the fact that the other accused from whom the seizure was made has been enlarged on bail by this Court, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE