

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 408 of 2018**

Rohit Kenwat, S/o. Manglu Kenwat, Aged About 40 Years, R/o. Village Dhangaon (Damapur) Tahsil And District -Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station City Kotwali, Mungeli District Mungeli Chhattisgarh.

---- Respondent

For Applicant : Mr. Vipin Singh, Advocate

For State/respondent : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.683/2017, registered at Police Station – City Kotwali, Mungeli, District – Mungeli (C.G.), for the offence punishable under Section 3, 7 of Essential Commodities Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. In fact this applicant had received the kerosene oil for all the ration card holders of his village and was carrying the same to his village on motor cycle, when he was apprehended and the kerosene oil was seized. No offence is made out against him on the basis of the material present in the charge-sheet and he is in jail since 25.11.2017. The applicant is ready and willing to abide by all the conditions, which may be imposed for grant of bail. Therefore, the counsel prays that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The police personnel of Police Station Mungeli stopped and searched the applicant, who was carrying 60 liters of kerosene oil in plastic drum on his motor cycle worth Rs.3,000/-. As the applicant could not give any explanation about the possession of quantity of kerosene oil, he is being prosecuted.
6. Considered on the submissions made and the contents of the case diary. Considering on the material present in the case diary further considering the fact that charge-sheet in this case has been filed and no purpose would be served, if the, applicant is kept in detention till the conclusion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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/-
(Rajendra Chandra Singh Samant)
Judge