

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2899 of 2018**

- Kunj Bihari S/o Lt. Shri Ramsunder Sahu, aged about 46 years, R/o Avanti Bai Chowk, Kohka, P.S. Durg, District Durg (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : P.S. Supela, Bhilai, District Durg.

---- Respondent**And****MCRC No. 2994 of 2018**

- Sohan Singh S/o Shri Mule Singh, aged about 48 years, R/o Kurud Road, Kohka, P.S. Jamul, District Durg (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : P.S. Supela, Bhilai District Durg

---- Respondent

For Applicant	:	Shri Manish Sharma, Advocate.
For Respondent	:	Shri Arun Sao, Dy. A.G. for the State

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/05/2018**

1. The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody since 20.03.2018 in connection with Crime No.276/2018 registered at Police Station : Supela Bhilai District Durg (C.G.) for the offence punishable under Section 420 read with section 34 IPC and Sections 3 & 7 of the Essential Commodities Act.
2. The allegation against the present applicants as per the

prosecution is that the two applicants were found misappropriating kerosene oil meant for Public Distribution System scheme, which was loaded in the tanker owned by Sunil Gupta.

3. Counsel for the applicants submits that the present applicants have been falsely implicated in the crime in question. In fact, there was leakage in the tanker which the applicants were trying to repair and at the same time they were caught red handed.
4. State counsel, however, opposing the bail application submits that the present applicants were involved in theft of kerosene oil from the said tanker. He further submits that total 1077 liters of kerosene oil has been misappropriated by the present applicants and considering the nature of offence, the applicants do not deserve to be released on bail.
5. Having heard counsel for the parties and considered the contention that the applicants herein are just the driver and conductor of the truck in question, this Court is of the opinion that prima facies, a strong case for grant of bail has been made out.
6. Accordingly, the applications are allowed and the applicants are directed to be released on bail on their furnishing a personal bond of Rs.25,000/- each with one surety for the like sum to the satisfaction of the concerned Court for their appearance before it as and when directed.

Sd/-

(P. Sam Koshy)
Vacation Judge