

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3155 of 2019

Bharat Sinha, S/o Mohan Sinha, aged about 38 years, R/o Tikrapara
Dhamtari, Tehsil & District Dhamtari (C.G.)

Applicant

Versus

State of Chhattisgarh, Through Police Station Rakhi, Atal Nagar,
District Raipur (C.G.)

Respondent

AND

MCRC No. 3160 of 2019

Kirtan Kumar Sahu, S/o Shrawan Kumar Sahu, aged about 27 years,
R/o Village Kuhera, Police Station-Rakhi, Raipur (C.G.)

Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Rakhi, District Raipur (C.G.)

Respondent

For Applicant (In MCRC No.3155/2019):Mr Shubhank Tiwari, Advocate.
For Applicant (In MCRC No. 3160/2019): Mr. Navin Shukla, Advocate.
For Respondent/State : Mr. Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/05/2019

1. Since, both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 118/2019, registered at

Police Station–Rakhi, Atal Nagar, District- Raipur (C.G.) for the offence punishable under Sections 3 & 7 of the Essential Commodities Act, 1955.

3. As per the prosecution story, on 15.04.2019, on the basis of information received from an informant, police officials raided and found that applicant Bharat Sinha taking out the kerosene from Tanker No. CG 05 AE 4584 and selling it to another applicant Kirtan Kumar Sahu. There was no legal document has been found from both the applicants regarding selling and purchasing. The police officials have seized 200 litre Kerosene, some cash and 1 tanker from their possession. On the basis of above, offence has been registered. The applicants are in custody since 15.04.2019.
4. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that there is no evidence available on record on which prima facie offence under Section 3 & 7 of Essential Commodities Act can be made out against them. The applicants are in custody since 15.04.2019 and trial is likely to take some time. Therefore, they may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicants are in custody since 15.04.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

Shubham