

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4305 of 2020**

1. Yogesh Patel, S/o Shri Tirith Ram, Aged about 33 years, R/o Bansulidih, Thana Saraipali, District Mahasamund (C.G.)
2. Gyandas Patel, S/o Shri Kanhaiya Patel, Aged about 47 years, R/o village Pirda, Thana Basna, District Mahasamund (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through – Police Thana- Saraipali, District Mahasamund (C.G.)

---- Respondent**with****MCRC No. 3812 of 2020**

- Prakash Chandra Patel, S/o Tirith Ram, Aged about 33 years, R/o Bansulidih, PS Saraipali, District Mahasamund (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – PS- Saraipali, District Mahasamund (C.G.)

---- Respondent

For Applicants : Mr. Sanjay Agrawal (in MCRC No.4305/2020)
& Mr. Chitranjay Singh Patel (in MCRC No. 3812/2020) Advocates.

For Respondent/State : Mr. Raghvendra Verma, G.A. & Mr. Sammer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.07.2020**

- Heard.
- Admit.
- Since both the bail applications arise out of the same Crime No. 202/2020, they are being heard and disposed of by this common order.
- The accused/applicants have moved their first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 202/2020 registered at Police Station– Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 3/7 of the Essential Commodities Act, 1955.
- According to the prosecution story, on 05.06.2020, the police

received a secret information and conducted search upon on such information at around 11:45 pm visited the Indian Gas Godown in Bansulidih of the applicant No. 1 and seized 2255 gas cards and some cylinders alleging that the same was used to provide illegal gas cylinder or gas to other commercial personnel and after that the police register an FIR under above said offence against the applicants.

- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the aforesaid case. They further submits that before registering the offence the enquiry officer neither inspected proper nor given any opportunity of hearing to the applicants. They also submits that applicant No. 1 is having a valid license of Indian Gas Agency and as per the license, he is authorized to keep 8,000 kg of filled gas in the godown, which approximately constitute of 500-600 kg filled gas cylinder and the total seized filled cylinder as per FIR are 291 kg (of different weight i.e. 14 kg, 19kg and 5kg) which very less than the number of filled gas cylinder authorized to be kept in godown as per the license. They next contended that all applicants are in jail since 06.06.2020, therefore, they may be granted bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
- Accordingly, both bail applications are allowed.
- It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- each with one local surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge