

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4760 of 2020**

- Akhilesh Gupta S/o Late Shri Shivprasad Gupta aged about 48 years, R/o Bageshwar Grain Store, Anajline Supela Market, P.S. and P.O. Supela, Bhilai, District-Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - The District Magistrate District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vipin Tiwari, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/09/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 229/2020 registered at Police Station Pulgaon, Durg, District-Durg (C.G.) for the offence punishable under Sections 3 and 7 of Essential Commodities Act.
2. The prosecution story, in brief is that, the Food Inspector Smt. Deepa Verma has got secret information that the present applicant is having illegal rice in his vehicle Maruti Van bearing registration No. Cg-07-M-9167 and he is going to sale it, the raid was done by her and seized 13 plastic carry bags of rice; 50kg in each; total 6.5 quintal, valued of Rs. 15,000/-. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the present applicant is proprietor of Bageshwar Grain Stores running at Supela Bhilai, Durg and he is having certificate issued by the Municipal

Corporation Bhilai District-Durg, C.G. dated 01.02.2014, the copy of the same is annexed herewith as annexure-A/3 and the applicant has himself purchase the grain seized by the police from Sambhav Agrotech, Raipur, C.G. and he has received the bill of the same dated 21.06.2020 which is annexed herewith as annexure-A/4. He also submits that the applicant is in jail since 25.06.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 25.06.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**