

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6727 of 2020**

- Pradeep Kumar Sharma S/o Durga Prasad Sharma Aged About 25 Years Resident Of Rampadhara, Thana Karma, District Sonbhadra Uttar Pradesh., District : Sonbhadra, Uttar Pradesh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- **Respondent**

For Applicants : Shri A. K. Yadav, Advocate
For Respondent/State: Shri Sudeep Agrawal, Dy.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/11/2020**

Heard.

1. This case is de-linked from M.Cr.C.No.6821 of 2020.
2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.126/2020 registered at Police Station Basantpur, District Balrampur-Ramanujganj for the offence punishable under Section 3 & 7 of the Essential Commodities Act. The applicant was arrested on 27-08-2020.
3. Case of the prosecution, in brief, is that the applicant was found carrying 29.25 Metric Ton Urea, valued at Rs.1,62,500/-, in the truck, which was taken to another destination. It is alleged that the applicant diverted Urea to another place and started selling in the State of Chhattisgarh.
4. Learned counsel for the applicant would argue that the applicant has been falsely implicated and there is no mens rea. It is submitted that the applicant has wrongly entered into the State of Chhattisgarh and thereafter, he taken the loaded truck to right path, in between, search was carried out by the police and arrested the applicant. It is lastly submitted that in this case, investigation is complete, charge sheet has been filed and the applicant is in jail

since 27-08-2020, therefore, it is prayed, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that in view of the statement given by the owner of the truck and the urea, which was being carried by the applicant in a truck, it is clear that the applicant deliberately diverted the consignment and took it to another place and thereby committed the offence under Section 3 & 7 of the Essential Commodities Act.

6. Taking into consideration the submissions made by learned counsel for the parties, considering the nature of allegation and further that investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge