

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8162 of 2020**

1. Gulshan Nishad S/o Aadhar Nishad Aged About 25 Years R/o Village Tengnabasa, (Village Name Is Faint In Impuged Order) Tehsil Chura, District Gariyaband Chhattisgarh.
2. Nemu Ram Vishwakarma S/o Keshuram Vishwakarma, Aged About 23 Years R/o Village Semrakansindhi, District Gariyaband Chhattisgarh. **---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Station House Officer Fingeshwar, District Gariyaband Chhattisgarh. **---- Respondent**

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| For Applicants       | : | Shi Avinash Chand Sahu, Advocate |
| For Respondent/State | : | Shri Dinesh Tiwari, Dy.G.A.      |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**02/12/2020**

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973. The applicants were arrested on 13.08.2020 in connection with Crime No.136 of 2020 registered at Police Station Fingeshwar, District- Gariyaband (C.G.) for the offence punishable under Section 379, 409, 411, 414, 34 of Essential Commodities Act.
- 5) Case of the prosecution in brief is that during surprise checking by the Officers of Food Department vehicle bearing registration No. CG -04-JA-4727 was intercepted at Chura Kundel Road, from which certain food grains to be distributed through ration card holders under public distribution system were found no valid documents was produced in this regard. Hence, on the report of Food Officer S. Zafar Khan at

Police Station Fingeshwar offence under the aforesaid Section has been registered.

The allegations against the present applicants is that they alongwith other co-accused persons shifted the food grains to be distributed under the public distribution system from truck bearing registration no. CG-04-JC-6704 and another truck bearing registration no. CG-04-JC-0518 to the truck bearing registration no. CG-04-JA-4727 for the purpose of illegal selling the same.

- 6) Learned counsel for the applicant submits that present applicants are falsely implicated in the case. He further submits that only on the basis of memorandum of other co-accused, the present applicants have been arrested. The applicants are in jail since 13.08.2020 and conclusion of trial is likely to take some time. Lastly, he submits that the similarly situated co-accused have already been granted regular bail namely Saurabh Jain, Manish Tandon, Vedvyas and Yashvant Dhruw vide order dated 08/10/2020 in MCRC No. 5992/2020, MCRC No. 5970/2020, MCRC No. 6130/2020 and MCRC No. 6272/2020 by co-ordinate Bench of this Court, therefore, present applicants be also released on ground of parity.
- 7) On the other hand, learned State Counsel opposes the prayer for grant of bail.
- 8) Having considered the submission made by learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants and in particular the fact that similarly situated co-accused persons have already been released on bail by co-ordinate Bench of this Court, therefore, without expressing anything upon merits of the case, the bail application is allowed.
- 9) Accordingly, the bail application is allowed. It is directed that in the event each of the applicants executing their personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

(a) They shall not directly or indirectly make any inducement, threat or

promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) They shall not involve themselves in any offence of similar nature in future.

**(Gautam Chourdiya)**  
**Judge**

Nadim