

**(2011) 04 AHC CK 0206**

**In the Allahabad High Court**

**Case No :** Criminal Appeal No. 1952 and 1982 of 2011

Mahendra

APPELLANT

Vs

State of U.P.

RESPONDENT

**Date of Decision :** 08-04-2011

**Acts Referred:**

Essential Commodities Act, 1955 — Section 7

**Citation :** (2011) 04 AHC CK 0206

**Hon'ble Judges :** Naheed Ara Moonis, J

**Bench :** Single Bench

## Judgement

Naheed Ara Moonis, J.—Since both the appeals are arising out of a judgment and order dated 30.3.2011, passed by Additional Sessions Judge(E.C. Act)/Additional District Judge, Aligarh in C.C. Case No. 96 of 1998, arising out of case crime No. 267 of 1998, State v. Pradeep alias Jaipal and Ors., u/s 7(Ka)(II) Essential Commodities Act, P.S. Gonda, District Aligarh, convicting and sentencing the Appellants to undergo five years rigorous imprisonment with a fine of Rs. 10,000/- each, failing which they shall further undergo for a period of three months rigorous imprisonment. Therefore, the prayers for bail in these appeals is being disposed of by means of a common order.

2. Heard the learned Counsel for the Appellant Mahendra in Criminal Appeal No. 1952 of 2011, the learned Counsel for the Appellant Lokman Singh in the connected Criminal appeal No. 1982 of 2011, and the learned AGA for the State.

Admit.

Summon the lower Court record.

3. It is submitted by the learned Counsel for the Appellants that on 17.9.1998 a police party had raided the house of one Khajan Singh, where in a huge quantity fertilizers were found. The Appellants were arrested at the spot while three other persons namely Khajan Singh alias Phool Singh, Raju Gautam and Banwari Pandit escaped from the spot, whereas the Appellants Lokman Singh, Mahendra

and one other co-accused Dharma were arrested at the spot on the instance of co-accused Pradeep alias Jaipal Singh.

4. It is further submitted that the co-accused Pradeep alias Jaipal Singh and Dharma, who are said to have arrested at the spot had already been granted bail by the another Bench of this Court in Criminal Appeal No. 2011 of 2011. It is further pointed out that on 28.3.2011 the charges were framed against the Appellants and other accused persons and on 30.3.2011 the judgment was pronounced convicting the Appellants for five years imprisonment under the aforesaid offence. The Appellants were on bail during the trial and they had never misused the liberty of bail.

5. Per contra, the learned AGA has opposed the prayer for bail of the Appellants and supported the judgment of the trial Court.

6. Having considered the submissions made by the learned Counsel for the Appellants and the learned AGA and looking to the facts and without expressing any opinion on the merits of the case, this Court is inclined to grant bail to the Appellants.

7. Let the Appellants, Mahendra and Lokman Singh, convicted and sentenced in C.C. Case No. 96 of 1998, arising out of case crime No. 267 of 1998, State v. Pradeep alias Jaipal and Ors., u/s 7(Ka)(II) Essential Commodities Act, P.S. Gonda, District Aligarh, be released on bail on their furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Court concerned.

8. In the event of depositing 50% of the fine, the balance 50% amount shall remain stayed.