

**IN THE HIGH COURT OF MADHYA PRADESH**

**AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 28<sup>th</sup> OF JUNE, 2022**

**MISC. CRIMINAL CASE No. 22201 of 2022**

Between:-

1. SUSHIL S/O LATE NEMICHAND JAIN (GANGWAL),  
AGED ABOUT 60 YEARS,  
OCCUPATION: BUSINESS,  
R/O 102, SURYANSH EXOTICA,  
90, ALOK NAGAR, INDORE (MADHYA PRADESH)
  
2. SAMPAT KUMAR S/O RAMCHANDRA NYATI,  
AGED ABOUT 67 YEARS,  
OCCUPATION: BUSINESS,  
R/O NAI BHUMI, 118, AGRAWAL NAGAR,  
INDORE (MADHYA PRADESH)

**.....APPLICANTS**

***(BY SHRI VIVEK SINGH, ADV.)***

**AND**

THE STATE OF MADHYA PRADESH,  
THROUGH STATION HOUSE OFFICER,  
POLICE STATION LASUDIYA,  
DISTRICT INDORE (MADHYA PRADESH)

**.....RESPONDENT**

***(BY SHRI PRANAY JOSHI, PL )***

*This application coming on for hearing this day, the court*

*passed the following:*

**O R D E R**

This is the **first** anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicants are apprehending their arrest in connection with Crime No.1095/2021 registered at Police Station – Lasudia, Indore (M.P.) for commission of offence punishable under Section 3/7 of Essential Commodities Act, 1955.

The allegation against the applicants is that 2600 liters of kerosene in overhead tank were found to be stored on a different places other than the premises which were permitted under the license.

Learned counsel for the applicants has drawn attention of this Court to the applications which were submitted before the District Supply Controller and Licensing Authority for change of place of storage.

These applications bear seal and signature of the competent authority. *Prima facie* after going through the documents, it is clear that the applications were submitted before the competent authority for change of place of storage and the contention of the applicants is accepted that there was oral permission granted by the competent authority.

Counsel for the applicants further contended that the

similarly situated co-accused persons have been enlarged on bail by the co-ordinate Bench of this Court *vide* order dated 21/02/2022 passed in M.Cr.C.No.4924/2022.

Considering the aforesaid submissions, I am of the view that there is no material against the present applicant, therefore, the applicants are entitled for grant of anticipatory bail.

It is directed that in the event of arrest, applicants shall be released on bail on their furnishing personal bond in a sum of **Rs.50,000/- (Rupees Fifty Thousand Only) each** with separate surety in the like amount to the satisfaction of arresting officer. The applicants shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Mr. Pranay Joshi, learned P.L, on their respective email addresses, for intimation to the police station concerned.

Certified copy as per rules.

**(ANIL VERMA)**  
**J U D G E**