

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13204 of 2023

Applicant :- Akhilesh Kumar

Opposite Party :- State Of U.P. Thru. Home Civil Sectt. Lko

Counsel for Applicant :- Ram Sahay Yadav, Gyan Sagar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri R.S. Yadav, learned counsel for the applicant, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.453 of 2015, under Sections 3/7 of the Essential Commodities Act, registered at Police Station Chowk, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.11.2015 against three persons including the applicant, stating that a raid was conducted by a team of police personals and officers of supplies department during which the applicant was arrested and 65 domestic L.P.G. cylinders, one iron refiller, one cycle and one spring balance etc., were recovered. The applicant stated that the other co-accused persons-Chandan and Shiv Shankar were also involved in illegal refilling of domestic cylinders.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. Co-accused persons, namely, Shiv Shankar and Chandra Bhan Singh @ Chandan have already been granted bail by means of orders dated 23.08.2023 & 27.06.2023 passed by this Court in Criminal Misc. Bail Application Nos. 10539 of 2023 and 7983 of 2023 respectively.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant claims that he was an employee working in the shop of the co-accused Chandan; that two co-accused persons have already been

granted bail; that the applicant has no previous criminal history and he is languishing in jail since 05.10.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

8. Accordingly, this bail application stands ***allowed***.

9. Let the applicant-***Abhishek Kumar*** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 7.11.2023

Pradeep/-