

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No. 3365 OF 2015**

Md. Shaheem S/o Gulam Rasul, aged about 39 years, R/o Village Simga, Tyre Shop, Near Dewangan Hotel, Raipur Road, Police Station & Tahsil Simga, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

**---Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station Simga, District Baloda Bazar-Bhatapara (C.G.)

**---Non-applicant**


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| For Applicant     | : | Mr. Dharmesh Shrivastava, Advocate |
| For Non-applicant | : | Mr. S.R.J. Jaiswal, P.L.           |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****20/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 167/2015, registered at Police Station Simga, District Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Sections 285 of IPC and 3, 7 of Essential Commodities Act.

2. Case of the prosecution, in brief, is that, present applicant is alleged to have been found in possession of 429 liter Diesel.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that he is servant of Md. Ale Rasul and he has purchased Diesel in question on 18/05/2015 and 18/02/2015 and receipt has been filed along with charge sheet. He would also submit that offence has

been registered against him merely because Diesel was found in jerry cane. He would lastly submit that applicant is in jail since 18/05/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question; defence of the applicant and applicant is in jail since 18/05/2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-  
(Sanjay K. Agrawal)  
JUDGE