

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.717 of 2016**

Sameer Khan, Aged about 39 years, S/o Late Rashid Khan, R/o Ganjpara, Station Road, P.S.-Ganj, Tahsil & District-Raipur (CG)

---Applicant

Versus

State of Chhattisgarh Through–Police Station –Gudiyari, District-Raipur (CG)

---Non-applicant

For Applicant	:	Mr. C.R.Sahu, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

09/03/2016

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.186/2015, registered at Police Station-Gudiyari, Raipur, District-Raipur (CG), for the offence punishable under Sections 285 & 420 of the IPC and Section 3/7 of the Essential Commodities Act.

2. Case of the prosecution, in brief, is that 3445 liters of blue kerosene and 7140 liters of white kerosene were found in possession of co-accused Abdul Wahid Khan @ Raju Khan and the present applicant was found working with the said co-accused.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant

is in jail since 7.1.2016 and co-accused Abdul Wahid Khan @ Raju Khan has been released on bail by a co-ordinate Bench of this Court vide order dated 24.11.2015 in M.Cr.C.No.6335 of 2015. Charge-sheet has already been filed.

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 & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that co-accused has been released on bail, this Court is of the opinion that present is a 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 the applicant shall be released on bail on his 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-