

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6081 of 2016

- Sheikh Mahtab S/o Sheikh Gulam Mustafa Aged About 40 Years R/o Dewarpara, Tendudipa, Gali No. 02, Tahsil & District Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station-City Kotwali, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 08 of 2016 registered at P.S. City Kotwali, Distt. Raigarh (C.G) for the offence punishable under Section 41(1-4) of Cr.P.C., and Section 379 of IPC.
2. As per the prosecution case, on secret information received a raid was conducted on 03.09.2016 in the house of applicant wherein welding machine, Greece cartoon Steering Board, Cone set, rear inner Drfixit, Prime Seal rubber roll, Grif box, motorcycle seat cover, rubber gas kits, cycle tube and motorcycle rubber tubes, etc., worth Rs.3,31,506/- were recovered from the possession of the applicant and the applicant on being asked to produce valid bills of the same, could not produce, therefore, he was arrested.
3. Learned counsel for the applicant would submit that there is no evidence to show that the goods were stolen and the

applicant is carrying on business in the name of S.K. Mehtab & sons and S.K. Maytab & Sons which deals in goods of plastics and groceries and some projects were also undertaken by these firms. It is submitted that only on presumption, the applicant has been arrested. He further submits that the goods were obtained from M/s. Shagun Traders which was owned by one Satrugan and it cannot be said that the applicant was in custody of the stolen goods. He therefore submits that the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the documents and case diary.
6. Considering the facts and circumstances of the case, prima facie, it appears that the applicant was arrested only on presumption that he was possessing stolen goods.
7. Considering the totality of facts and circumstances especially the fact that the goods were recovered and the applicant is in jail since 03.09.2016, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**