

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6838 of 2016

- Mohd. Aslam Khan S/o Abdul Kudus Khan Aged About 62 Years R/o Shanti Nagar, Ward No. 4, Gali No. 1, Outpost Chikhli, Tahsil & District Rajnandgaon, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Abhishek Sharma, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.11.2016

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. 636 of 2016 registered at P.S. Kotwali, Distt. Rajnandgaon (C.G) for the offence punishable under Section 3/7 of the Essential Commodities Act, 1955.
2. As per the prosecution case, when a raid was conducted on 01.10.2016, 730 litres of kerosene oil was seized from the possession of other accused Gurupreet Singh and on investigation it was revealed that said Gurupreet Singh has purchased the kerosene oil from the applicant, therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that no evidence is existing against the applicant and only on the statement of Gurupreet Singh, the present applicant has been inculpated. He further submits that the charge sheet

has been filed and no further recovery has been made from the present applicant and he is in jail since 03.10.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the nature of allegations levelled against the applicant as also the fact that the charge sheet in this case has been filed and no further investigation is necessary and the applicant is stated to be in jail since 03.10.2016, I am inclined to release the applicant on regular bail.
6. 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