

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4213 of 2018**

Shiv Sen, aged 24 years, S/o Kuleshwar Kumar Sen, R/o Gandhi
Gram Nakta, PS Mandir Hasoud, District Raipur (CG)

---- Applicant**Versus**

State of Chhattisgarh Through- P.S. Mandir Hasoud, District-
Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anchal Ku. Matre, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/08/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 17.05.2018 in connection with Crime No. 159/2018 registered at Police Station- Mandir Hasoud, District Raipur (CG) for the offence punishable under Sections 407, 285/34 of IPC and Sections 3 & 7 of E.C. Act.

2. The allegation against the present applicant as per the prosecution is that on 17.05.2018 the applicant was found in possession of 2 Jerry cans of petrol and one Jerry can of diesel along with a bunch of keys.

3. Counsel for the applicant submits that the applicant has remained in custody for more than 3 months and that the offence which has been charged against the applicant is not made out for the reason that the Act does not specify the total quantity of petroleum product which could be

stocked by an individual person.

4. State counsel, however, opposes the bail application on the ground that the applicant seems to be in the habit of committing theft of petrol and diesel by way of using duplicate keys.

5. Considering the entire facts and circumstances of the case and also taking note of the period of custody undergone and the nature of offence, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge