

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 7679 of 2017**

Bhupendra Jaiswal, S/o. Sunder Lal Jaiswal, Aged About 28 Years, R/o. Bhaurakachhar (Wrongly Mentioned As Dhourakachhar) Post -Bandha, P. S. Takhatpur, District -Bilaspur, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Takhatpur District Bilaspur Chhattisgarh.

---- Respondent

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| For Applicant        | : Mr. Ram Narayan Sahu, Advocate     |
| For Respondent/State | : Mr. Anil S. Pandey, Govt. Advocate |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board****13/02/2018**

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.145/2017, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 3/7 (wrongly mentioned as 17) of Essential Commodities Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in custody since 17.09.2017, no offence is made out on the basis of the

material in the charge-sheet filed before the Court and the trial against him is likely to take sometime for its completion, applicant is ready to abide by all the conditions imposed while releasing him on bail. Therefore, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect and submits that the applicants are not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that on the date of incident in raid conducted by the police personnel of Police Station – Takhatpur, 180 liters of kerosene oil, which was meant for public distribution was found in possession of the applicant, which was seized and the case was registered against this applicant.
6. Considered the submissions made and the contents of the case diary. Charge-sheet in this case has been filed and the case against this applicant is likely to take some time for its completion and further the applicant is local resident of District - Bilaspur, whose availability before the trial Court shall not be compromised, if he is released on bail, hence for this reason, 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 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram