

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8187 of 2021**

- Mukesh Yadav S/o Mudrika Prasad Yadav Aged About 26 Years R/o Nonbirra, P.S. Dipka, District Korba Chhattisgarh., District : Korba, Chhattisgarh. ---- Applicant

**Versus**

- State Of Chhattisgarh Through P.S. Kusmunda, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

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For Applicant : Mr. Maneesh Sharma, Advocate.

For Respondent/State : Mr. Ravi Maheshwari, PL.  
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**Hon'ble Smt. Justice Rajni Dubey**  
**Order On Board**

**01.11.2021**

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 03.09.2021 in connection with Crime No. 388/2021 registered at Police Station Kusmunda, District Korba for the offence punishable under Section 379/34 IPC, 3 & 7 of Essential Commodities Act.

2. The prosecution case in nutshell is that on 23.08.2021 the police acting upon a secret information regarding the stolen diesel kept in a bolero vehicle No.CG 12/R-5788, raided the spot and ultimately seized 245 liters of diesel from the vehicle belonging to co-accused persons.

3. Learned counsel for the applicant submits that the applicant has been roped in a false and fabricated case and therefore, he may be set at liberty by granting bail. He

further submits that the persons from whose vehicle the seizure of diesel was made have already been bailed out. He submits that the applicant would abide by all terms and conditions imposed on him while granting bail.

4. Learned State counsel however puts forth his vehement opposition to the prayer for bail.

5. Having heard counsel for the parties, taken into consideration the facts and circumstances of the case and also keeping in mind the fact that the co-accused from whose vehicle the seizure was made have already been granted bail vide order dated 28.10.2021 passed in MCRC No.7318/2021, this Court is of the opinion that the accused/applicant is entitled for bail. Accordingly, the application is **allowed** and it is directed that on applicant's furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety to the satisfaction of the concerned Court, he shall be released on bail. The applicant however, shall ensure his appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-

**(Rajni Dubey)**  
**Judge**