

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14811 of 2023

Applicant :- Balram Sharma

Opposite Party :- Union of India

Counsel for Applicant :- Mahendra Singh, Fakhruzzaman, Mukesh Kumar Pandey

Counsel for Opposite Party :- Ashish Pandey

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in NCB Crime No. 04 of 2015 at Police Station Ajeetmal District Auraiya under Section 8/20/29 NDPS Act. The applicant is in jail since 02.01.2021.

The bail application of the applicant was rejected by the learned trial court on 23.11.2022.

The following arguments made by Shri Mukesh Kumar Pandey, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Ms. Vijeta Srivastava, counsel for the opposite party and Shri Paritosh Kumar Malviya, learned AGA from the record, entitle the applicant for grant of bail:

1. The narcotic drugs were seized from the principal offender Satendra who was driving the Skoda car.
2. The said Skoda car had been sold by the applicant to the

said Satendra and the possession of the vehicle was made over to the latter after the sale. The transaction was bonafide.

3. The applicant has no concern with the vehicle or Satendra.

4. The applicant has been nominated on the basis of confessional statement made by co-accused before the NCB authorities. The said statement insofar as it implicates the applicant is not admissible in evidence.

5. No narcotics drugs or any other incriminating articles were recovered from the applicant.

6. Prosecution evidence does not connect the applicant with the offence.

7. The case of the applicant is distinguishable from other accused persons from whom the narcotic drugs were recovered.

8. The applicant is a law abiding citizen who cooperated with the police investigations and had joined the trial.

9. The applicant never influenced witnesses and tampered with the evidence.

10. The trial is moving at a snail's pace and is not likely to conclude anytime in the near future. The applicant is not responsible for the delay in the trial.

11. Inordinate delay in concluding trial had led to

virtually an indefinite imprisonment of the applicant without there being any credible evidence to implicate him in the offence and violates the rights of the applicant to speedy trial.

12. The applicant has explained his criminal history. It is also contended that the applicant has become a soft target and a convenient scapegoat for the police authorities who nominated him in a false case to burnish their professional credentials. The said case does not have any bearing on the instant bail application.

13. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- **Balram Sharma** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 16.10.2023

Dhananjai