

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 18597 of 2023

Applicant :- Sivam Kasyap

Opposite Party :- State of U.P.

Counsel for Applicant :- Padmaker Pandey, Rakesh Kumar Shukla

Counsel for Opposite Party :- G.A.

And

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25349 of 2023

Applicant :- Shivam Kashyap

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Shukla, Padmaker Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Since both these bail applications arise out of one and the same crime number, they have been heard together and are being decided by a common order.

2. At the very outset, learned counsel for the applicant submits that in both the bail applications the applicant is the same because the CRIMINAL MISC. BAIL APPLICATION No. 18597 of 2023 has been filed in main Sections of NDPS Act and the CRIMINAL MISC. BAIL APPLICATION No. 25349 of 2023 has been filed in added Section 29 of NDPS Act.

3. Heard learned counsel for applicant, learned A.G.A. and perused the record.

4. This bail application has been preferred by the accused-applicant, Sivam Kasyap, who is involved in Case Crime No. 54 of 2023, under Sections 8/20, 22, 23, 25, 60 and 29 of NDPS Act, P.S.- Kotwali, District- Kanpur Nagar.

5. Learned counsel for the applicant in support of his prayer for bail submits that the applicant is innocent and he has been falsely

implicated in the present case. It is further submitted that from the co-accused persons and applicant 16 kg 500 grams of Charas is alleged to have been recovered. The applicant was not apprehended from the spot. The name of the applicant has been surfaced in the confessional statement of the co-accused. There is no evidence to connect the applicant with the alleged crime. It is further submitted that co-accused Ramveer @ Bauaa and Suraj Kumar have been granted bail by the coordinate Bench of this Court vide orders dated 20.09.2023 and 27.10.2023 passed in Criminal Misc. Bail Application Nos. 33975 of 2023 and 17798 of 2023. It is further submitted that the case of applicant stands on better footing because the applicant has no criminal history and the accused have criminal history, who have already been granted bail by the coordinate Bench of this Court and as such the applicant also deserves to be enlarged on bail. The applicant has no criminal history to his credit. Applicant is languishing in jail since 08.02.2023 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial

6. Learned A.G.A. vehemently opposed the prayer for bail.

7. In view of the facts and circumstances of the case and the submissions made by learned counsel for both sides and going through the record, without commenting on the merits of the case, I find it a fit case for bail.

8. Let applicant, **Sivam Kasyap**, be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions:

- (i) The applicant shall appear on the date fixed by the trial Court;
- (ii) The applicant shall not tamper with the prosecution evidence;
- (iii) The applicant shall not pressurize the prosecution witnesses.

9. In case of default of any of the conditions enumerated above, liberty is given to the trial court to cancel the bail of the applicant without any reference to this Court.

Order Date :- 6.11.2023

Prajapati