

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22379 of 2023

Applicant :- Rakesh Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar,Alok Misra,Rahul Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. In terms of the FIR, allegedly 12 Kg.800gms. of Ganja was recovered from the applicant.
3. The contention of the counsel for the applicant is that the recovery is not in terms of the mandate of Section 50 of the N.D.P.S. Act, it was not done before the independent witnesses and recovery is less than the commercial quantity. The criminal history of the applicant has been explained in the supplementary affidavit, wherein, applicant is on bail.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that the recovery is less than the commercial quantity, the applicant is entitled to be released on bail.
6. Accordingly, the bail application is allowed.
7. Let the applicant **Rakesh Sharma** be released on bail in FIR/ Case Crime No. 161 of 2023, under Section 8/20 N.D.P.S. Act, P.S. G.R.P., Jhansi, District Jhansi, on his furnishing personal bonds and two reliable sureties of the like amount each to the satisfaction of the court concerned with the following conditions:
 - (a) The applicant shall execute a bond to undertake to attend the hearings;
 - (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission;

and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 6.11.2023

S.A.