

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33707 of 2023

Applicant :- Sanjay Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Ali Hasan

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 6 Kgs. Afim were recovered from the applicant and the other 6 Kgs from co-accused Makkhan Lal. In the report of the Forensic Laboratory, from the 50 Kgs. sample it is revealed that the contraband carried out by the applicant contains 3.7%.

3. It is argued that exactly on the same allegations, this Court had granted bail to the co-accused Makkhan Lal vide order dated 06.09.2023 passed in CrI. Misc. Bail Application No. 6.9.2023.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the order passed in the case Makkhan Lal to be well considered order and on same ground coupled with the fact that applicant has no criminal history following the logic as contained in the bail order of Makkhan Lal, the applicant is also entitled to be enlarged on bail on the ground of parity and the same reasoning, thus, the applicant is enlarged on bail.

6. Accordingly, the bail application is allowed.

7. Let the applicant **Sanjay Yadav** be released on bail in FIR/ Case Crime No. 175 of 2023, under Section 8/22 N.D.P.S. Act, P.S. Banda, District Shahjahanpur, on his furnishing personal bonds and two reliable sureties each of the like amount 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 :- 30.10.2023

S.A.