

Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34973 of 2023

Applicant :- Aslam

Opposite Party :- State of U.P.

Counsel for Applicant :- Majahar Ali

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan,J.

1. Learned A.G.A. for the State submits that instructions have been received and has no objection in case the bail application is heard on merits.

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

3. It is submitted by learned counsel for the applicant that from a car 62 kg ganja is alleged to have been recovered from 31 packets. Learned counsel for the applicant submits that applicant was a driver of the vehicle in question and recovery has been made from four accused persons. He submits that there is no independent witness of the alleged recovery. The quantity recovered is above commercial quantity. Applicant is innocent and has been falsely implicated in the instant case. Applicant having no previous criminal history is languishing in jail since 18.06.2023.

4. Learned A.G.A. submits that FSL report has been received which confirms that the substance is ganja which is covered under the N.D.P.S. Act. It is submitted that the alleged recovery is above commercial quantity. The alleged possession of contraband substance under the N.D.P.S. Act is a substantive evidence. The contraband substance has been recovered from the car in question which the applicant was driving.

5. The only argument raised by learned counsel for the applicant is that there was no independent witness of the alleged recovery and the substance recovered is above commercial quantity and no explanation has been offered by the learned counsel for the applicant, as to why, the police personnel are falsely implicating the applicant.

6. Once the possession of contraband substance has not been explained and it is above commercial quantity, the bail application of the applicant lacks merit and is, accordingly, rejected.

Order Date :- 16.11.2023

S.Prakash