

Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37075 of 2023

Applicant :- Nitesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Satyendra Narayan Singh, Pankaj Kumar Mishra

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. This bail application under section 439 Cr.P.C. has been moved to enlarge the applicant on bail in Case Crime No Case Crime No. 203 of 2023, under section 8/20 of N.D.P.S. Act, Police Station Friends Colony, District Etawah.
4. It is submitted by learned counsel for the applicant that from the car in question in which applicant was also found 173.75 Kg. ganja is alleged to have been recovered. Learned counsel for the applicant submits that there is no independent witness of the alleged recovery. Applicant has been falsely implicated. The applicant is cleaner of the vehicle. Applicant has no previous criminal history and he is languishing in jail since 20.07.2023 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.
5. Learned A.G.A. for the State has opposed the bail application and drawn the attention of the Court to FSL laboratory where it has been confirmed that the recovered substance is Ganja.
6. On a pointed query being made to the learned counsel for the applicant about the possession of the contraband substance no explanation has been offered. Contraband substance recovered is above commercial quantity.

7. Considering the facts and circumstances of the case, nature of offence, evidence, complicity of the accused, submissions of learned counsel for the parties, the Court does not find it a fit case for bail.

8. The bail application lacks merit and is accordingly rejected.

Order Date :- 9.11.2023

K.K. Maurya