

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39577 of 2023

Applicant :- Saurabh Saini

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajeet Srivastava, Atul Kumar Tripathi, Kumar Vikrant

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 248 of 2023, under Section 8/20 N.D.P.S. Act, Police Station- Atarra, District- Banda, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. The recovery is shown to be made from an open place. 116 KG of Ganga has been alleged to be recovered from joint possession of the applicant and co-accused. There is no independent witness to the alleged recovery. The mandatory provisions of N.D.P.S. Act have not been complied with. There is no F.S.L. report to establish that the substance recovered is 'Ganja'. The applicant is a student who was traveling to Chitrakoot via Atarra but on the way some altercation took place between him and the police and being annoyed, the police has falsely implicated him in this case showing false recovery. There is no previous criminal history of the applicant. The applicant is in jail since 05.08.2023, in case, he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.
6. Let the applicant **Saurabh Saini**, involved in the aforesaid case

crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

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

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 31.10.2023

S.Verma