

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38837 of 2023

Applicant :- Rahul

Opposite Party :- State of U.P.

Counsel for Applicant :- Vishal Pandey, Ashvanee Kumar
Srivastav, Vineet Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The FIR in question was lodged alleging that from the joint possession of the persons named in the FIR, who are 6 in number, from the vehicle in which they were travelling, 69 kg of Ganja was allegedly recovered. Counsel for the applicant argues that he had taken a lift in the vehicle in question and was not in any way connected with the offending goods. He further argues that the co-accused Kiran has already been enlarged on bail vide order dated 22.09.2023. As per the FIR, from the applicant's pocket, only Rs.180/- was allegedly recovered.
3. Learned AGA has opposed the bail application.
4. Considering the fact that the co-accused has been enlarged on bail and the joint recovery in the possession of six persons is 69 kg of Ganja, which is slightly above the commercial quantity, and *prima-facie*, there is a violation of Section 52A of the NDPS Act, the applicant is entitled to be enlarged on bail, more so, because he does not have any criminal antecedent of an offence under the NDPS Act. In view thereof, the application is ***allowed***.
5. Let the applicant ***Rahul*** be released on bail in FIR No.167 of 2023, under Section 8/20/29 of NDPS Act, P.S. Adalhaat, District Mirzapur on his furnishing a personal bond with two sureties of the like amount each to the satisfaction of 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 :- 3.11.2023

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