

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 41434 of 2023

**Applicant :-** Rajjan Gupta

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Kamlesh Kumar Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Umesh Chandra Sharma,J.**

1. Heard Sri Kamlesh Kumar Singh, learned counsel for the applicant, learned AGA for the State and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.52 of 2023, under Sections 60/63/72 of Excise Act and Sections 419, 420, 467, 468, 471 IPC, Police Station Saiyadraja, District Chandauli, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. The applicant was not on the spot. It is also contended that the alleged liquor was recovered from possession of the applicant, only on the basis of the driving licence alleged to have found inside the vehicle in question, the applicant has been implicated in this false for which he is not liable. It is further contended that there is criminal history of the applicant which has been explained in paragraph-19 of the affidavit filed in support of the bail application in which he has been granted bail. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 07.04.2023. In case the applicant 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 facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.
6. Let the applicant - **Rajjan Gupta**, 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 :- 12.10.2023**  
Shahroz