

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41809 of 2023

Applicant :- Narendra Sharma

Opposite Party :- State of U.P.

Counsel for Applicant :- Sushil Kumar Chaturvedi

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. 494 of 2023, under Section 8/21/22/25/27A/29/60 N.D.P.S. Act, and Section 419, 420, 467, 468, 471 I.P.C. Police Station- Sikandara, District-Agra, during the pendency of trial.

3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. The applicant was neither arrested from the spot nor any incriminating article has been recovered from his possession. The applicant has been implicated in this case on the basis of confessional statement of the co-accused. The applicant is director of ONR Healthcare Private Ltd. which is authorized for manufacturing & marketing of medicines, syrup etc. and the vehicle from which alleged recovery of contraband substance has been recovered belongs to the applicant as such the offence under Section 419, 420, 467, 468, 471 I.P.C are not made out against the applicant. 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 analyst report to establish that the substance recovered is intoxicant. The criminal history of the applicant has been explained in para 26 of the affidavit. It is next contended that co-accused Smt. Rekha Goyal, having identical role, has been granted bail by coordinate Bench of this Court in Crl. Misc. Bail Application No. 37440 of 2023 vide order dated 11.10.2023. The applicant is in jail since 08.07.2023, 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 above and the fact that the applicant has remained confined for more than months, and the co-accused has been enlarged on bail, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Narendra Sharma**, 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; and

- (iv) shall appear before the concerned police station in the first week of every month till the further order of the trial Court.

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 :- 1.11.2023

S.Verma