

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41806 of 2023

Applicant :- Dharmpal

Opposite Party :- State Of U P Thru Its Secretary Home Govt Of Up

Counsel for Applicant :- Manish Kumar Kashyap, V.P. Singh Kashyap

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Shri V.P. Singh Kashyap, learned counsel for the applicant, learned A.G.A. for the State and perused the records.
2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 708 of 2016, under Section 21/22 NDPS Act, Police Station- Dholna, District- Kasganj, during pendency of the trial.
3. According to the learned counsel for the applicant it is a case of abscondence after bail. As per record, applicant did not appear since 2017, process were issued against him as applicant has gone to Gujarat for his livelihood, hence, he could not appear in the court. There are eight cases of criminal history which has been explained by him. It is proved that due to in absence of applicant-accused the disposal of the concern case has been delayed. The applicant is further in jail, since 07.07.2023. **In the aforesaid, circumstances, the bail application is allowed subject to the condition that the applicant shall not leave territory of District- Kasganj before disposal of the concerned NDPS case without prior permission of the trial court. However, it is also directed that the trial court shall endeavour its best to decide the case within a period of six months after receipt of the order of this court.** The applicant is languishing in jail since 07.07.2023, in case he is enlarged on bail, he will not misuse the said liberty, and there is no likelihood of abscondence or tampering with evidence.
4. Learned A.G.A. 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, **Dharmpal**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by 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

A Gautam