

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42455 of 2023

Applicant :- Vijay Kumar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Brij Raj Singh, Raj Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Counter affidavit filed today is taken on record. 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. 111 of 2023, under Section 8/18 N.D.P.S. Act, Police Station- Subhash Nagar, District-Bareilly, during the pendency of trial.

3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. False recovery of 6.98 k.g. 'Afeem' has been shown to be recovered in four packets from a bag allegedly possessed by the applicant, however, there is no public witness of the same though the place of recovery is said to be a public place. The mandatory provisions of N.D.P.S. Act have not been complied with. As a matter of fact, the police found the alleged bag at a Bus Stand where the applicant with another co-accused was standing, when the owner of the bag was not found the police has falsely implicated the applicant. There is no F.S.L. report to establish that the substance recovered is 'Afeem'. There is no previous criminal history of the applicant. The applicant is in jail since 27.3.2023, 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, **Vijay Kumar Singh**, 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 :- 7.12.2023

S.Verma