Court No. - 75
Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42266 of 2023
Applicant :- Rahul Mishra @ Pooti
Opposite Party :- State of U.P.
Counsel for Applicant :- Arun Kumar Bajpai
Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

3. By means of this bail application applicant seeks bail in Case Crime No. 257 of 2023, under Sections 8/20 Narcotic Drugs & Psychotropic Substances Act (NDPS Act), Police Station Hussainganj, District Fatehpur, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is innocent. The applicant has ten criminal history to his credit, which has been explained in para 12 of the affidavit. Learned counsel for the applicant has further stated that the applicant have three additional criminal history, which has also been mentioned in para 2 of the supplementary affidavit. The applicant has not been arrested from the alleged place of occurrance, he was arrested from his house. Nothing incriminating material has been recovered from the possession of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since **09.09.2023.** In case he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

6. 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.

7. Let the applicant - **Rahul Mishra @ Pooti,** 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.

8. 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 :- 30.10.2023
Vinod.

Digitally signed by :-
VINOD KUMAR JAISWAL
High Court of Judicature at Allahabad