

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42448 of 2023

Applicant :- Mohammad Ajmal

Opposite Party :- State of U.P.

Counsel for Applicant :- Shivam Yadav, Aditya Yadav, Akhilesh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard 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 Special Case No. 1331 of 2020, under Sections 18 (a) (i), 18-B/27 (b) (i), 27 (c), 28-A of The Drugs & Cosmetics Act, 1940, Police Station Dehat Kotwali, District, Saharanpur, during the pendency of trial.
3. Learned counsel for the applicant has argued that the applicant is innocent and law-abiding person, he is neither wanted in any criminal case nor previously convicted. Learned counsel for the applicant has further contended that on the same facts firstly F.I.R has been lodged against the applicant, in which the applicant was taken into custody and has enlarged on bail on 05.06.2023. Later on considering the offenses taken in the case of Drugs & Cosmetics. No F.I.R has been lodged rectifying the prosecution, rectifying itself filed complaint as prescribed in the Act and the applicant was again taken into custody and again facing trial for the same offences, in which he has already been sent to jail and was enlarged on bail. Learned counsel for the applicant contends that it is clear example of violation of Article 20 of the Constitution of

India (Principle of double jeopardy). There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since **24.08.2023**. In case he is enlarged on bail, he will not misuse the said liberty.

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

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 - **Mohammad Ajmal**, 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 :- 7.11.2023

Vinod.