

Court No. - 76

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42523 of 2023

Applicant :- Rashid @ Fauji

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan,J.

1. Learned A.G.A. for the State submits that instructions have been received and has no objection in case the bail application is heard on merits.

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

3. It is submitted by the learned counsel for the applicant that 1200 tablets of alprazolam is alleged to have been recovered from the applicant. Learned counsel for the applicant submits that there is no independent witness of the alleged recovery. The applicant has been falsely implicated in the present case. The criminal history has been explained in para-14 of the affidavit. The applicant is languishing in jail since 18.07.2023 and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

4. Learned AGA opposed the bail application and submits that the recovered alprazolam tablets are above commercial quantity and the applicant has previously being implicated under the NDPS Act and he has misused the liberty of bail earlier granted to him.

5. It is to be seen that the applicant has been apprehended with 1200 tablets of alprazolam, which is above commercial quantity. The applicant has previous criminal history under NDPS Act. Even otherwise, the applicant has criminal history of six cases. There is no foundation with regard to false implication.

6. Accordingly, the bail application of the applicant is ***rejected***.

Order Date :- 7.11.2023

Prajapati