

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43136 of 2023

Applicant :- Ram Prakash Lohra

Opposite Party :- State of U.P.

Counsel for Applicant :- Kirtikar Pande

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Heard learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.
2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 288 of 2023, under Section 60 Excise Act and Sections 272 and 273 I.P.C., Police Station- Nagra, District- Ballia 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 20 litres of illicit liquor and other articles has been shown from the applicant. There is no independent witness to the alleged recovery. There is no F.S.L. report to establish that the liquor seized is spurious or obnoxious. The criminal history of the applicant has been explained in para 14 of the bail application. The applicant is in jail since 26.8.2023. 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 heard counsel for the parties and having perused the record, this Court prima facie finds that there is no independent witness to the alleged recovery. Further the applicant has remained confined for more than one month and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, 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 **Ram Prakash Lohra**, 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 :- 18.10.2023
S.S.