

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43025 of 2023

Applicant :- Anuj Bajpai

Opposite Party :- State of U.P.

Counsel for Applicant :- Kaushalesh Prasad Tiwari, J.B. Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Counter affidavit filed today is taken on record.
2. Heard Sri Kaushalesh Prasad Tiwari, learned counsel for the applicant; learned AGA for the State; and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.125 of 2023, under Sections 8/20 N.D.P.S Act, Police Station Syed Raza, District Chandauli, during the pendency of trial.
4. It is argued by the learned counsel for the applicant that 46 Kg and 250 grams of ganja was recovered from the joint possession of three accused persons. Learned counsel for the applicant further contended that there is no compliance of Section 50 and 52 of N.D.P.S. Act has been done by the police. The mandatory provisions of N.D.P.S. Act has not been followed. No public witness was taken. Learned counsel for the applicant further contends that there is no previous criminal antecedents against the accused. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 12.07.2023. In case the applicant is released on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but has not disputed the aforesaid submissions of learned counsel for the applicant.
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-**Anuj Bajpai**, 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 :- 17.11.2023

Vikram