

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43698 of 2023

Applicant :- Nazim

Opposite Party :- State of U.P.

Counsel for Applicant :- Mahboob Ahmad Siddiqui, Faizul Hasan

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Faizul Hasan, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.76 of 2023, under Sections 8/20/29 of the NDPS Act and Section 482 IPC, Police Station Jewar, District Greater Noida (Commissionerate Gautam Buddh Nagar) during the pendency of trial.
3. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. It is also contended that the co-accused, Nadeem, Babu @ Babbu and Anjani Kumar having similar role to that of the present applicant have already been enlarged on bail by this Court vide order dated 06.11.2023 passed in Criminal Misc. Bail Application No.38035 of 2023 (alongwith connected bail applications i.e. Criminal Misc. Bail Application Nos.31654 of 2023 and 39637 of 2023) on which basis the applicant also claims parity. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. There is no previous criminal history of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 08.04.2023. 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 regard to the facts, circumstances and the submissions made but without commenting on the merits of the

case, this Court is of opinion that the applicant has made out a fit case for bail on the ground of parity. Accordingly, the bail application is allowed.

6. Let the applicant - **Nazim**, 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;

(iv) shall appear before the concerned S.H.O. on any day of the first week of every month till the further order of the trial court.

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 :- 7.12.2023

Shahroz