

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43482 of 2023

Applicant :- Nitin Chauhan @ Neti

Opposite Party :- State of U.P.

Counsel for Applicant :- Neelesh Kumar Mishra

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 Case Crime No.644 of 2017, under Sections 8/20 NDPS Act, Police Station Mughalsarai, District Chandauli, 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. Learned counsel has stated that for the alleged recovered contraband substance there is no compliance of mandatory provision of the NDPS Act. There is no independent or public witness of the alleged recovery. There is no chemical analysis report to corroborate the prosecution version. 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 previous criminal history of six cases against the applicant in which he has been enlarged on bail which has been explained in paragraph-17 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 01.09.2023. 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 submissions advanced by the counsel for the applicant.

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 - **Nitin Chauhan @ Neti**, 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 not leave the territory of District Chandauli without prior permission 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.

8. However, it is directed that the case of the applicant would be decided expeditiously, preferably within a period of six months from the date of production of certified copy of this order and thereafter a compliance report would also be sent to this Court through Registrar (Compliance).

Order Date :- 7.11.2023

Shahroz