

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44701 of 2023

Applicant :- Bhuleshwar Nath Alias Ashok Shukla

Opposite Party :- The Zonal Director Narcotics Control Bureau, Lucknom

Counsel for Applicant :- Ajay Pandey, Pawan Kumar Mishra

Counsel for Opposite Party :- Ashish Pandey

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, Sri Vipul Pandey, Advocate holding brief of Sri Ashish Pandey, learned counsel for the Opposite Party-NCB as well as learned A.G.A. and perused the record.

2. The recovery in question was done against two persons, and 1300 gms. Mephedrone and products of Clandestine Lab was also discovered. Subsequently, solely based upon the statement of the co-accused recorded under Section 67 of the N.D.P.S. Act, the applicant was implicated with the offence in question.

3. The State had filed counter affidavit in the court below which is on record at page 44 to the bail application to state that the applicant was implicated based upon the statement under Section 67 of the N.D.P.S. Act.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that in view of the law laid down in the case of ***Tofan Singh v State of Tamilnadu (2021) 4 SCC 1***, the mere statement under Section 67 of the N.D.P.S. Act not corroborated with any other material is not admissible, the applicant who has no criminal history and in custody since 18.8.2023 is enlarged on bail.

6. Accordingly, the bail application is allowed.

7. Let the applicant **Bhuleshwar Nath Alias Ashok Shukla** be released on bail in FIR/ Case Crime No. 17 of 2023, under Section 8/22/29 of the N.D.P.S. Act, P.S. N.C.B., District Lucknow, on his furnishing personal bonds and two reliable sureties of the like

amount each to the satisfaction of the court concerned with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 7.11.2023

S.A.