

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43593 of 2023

Applicant :- Ram Yadav @ Ram Kumar Yadav @ Vakil

Opposite Party :- State of U.P.

Counsel for Applicant :- Jyoti Giri, Rang Raj Giri, Vishwanath Vishwakarma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Counter affidavit filed today is taken on record. Heard learned counsel for the applicant, learned AGA for the State-opposite party 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. 104 of 2023, under Section 8/ 20 N.D.P.S. Act, Police Station- Gopiganj, District- Bhadohi, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. Though the police has recovered 92.5 K.G. Ganja, from Eartiga Car bearing No. UP 65 BF 0421, however, neither the applicant was arrested on the spot nor any recovery has been made from his possession. His name came into light in the confessional statement of the co-accused persons namely Chandradev Singh, Mahendra Kumar Pate and Ashish Kumar Patel. It is next contended that co-accused Ankit Singh, having identical role, has been granted bail in Crl. Misc. Bail Application No. 37597 of 2023 vide order dated 6.11.2023. The applicant claims parity. The criminal antecedent of the applicant has been explained in para 4 of the supplementary affidavit. The applicant is in jail since 05.07.2023, 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 submissions made but 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 Yadav @ Ram Kumar Yadav @ Vakil**, 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 :- 7.12.2023

S.Verma