

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43843 of 2023

Applicant :- Vishnu

Opposite Party :- State of U.P.

Counsel for Applicant :- Saurabh Tripathi, Sohith Prakash Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.
2. The instant bail application, under Section 439 Cr.P.C of the Code of Criminal Procedure, 1973, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 608 of 2023, under Sections 08/20 N.D.P.S Act, Police Station- Uttar, District- Firozabad, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case for the purpose of defaming him in society and nothing else. There was no independent witness of the alleged recovery of 550 gram 'Charas', which is below the commercial quantity. There is no compliance of mandatory provisions of Sections 42, 50, and Sections 52, 52-A, 55 & 57 of N.D.P.S Act. In para 3 of the supplementary affidavit, the learned counsel for the applicant has shown criminal history of four cases, in which the applicant has already been enlarged on bail. Copies of the bail orders have been annexed as **Annexure SA-1** to the supplementary affidavit. Learned counsel for the applicant has lastly contended that the applicant is in jail since 04.08.2023. In case, he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A 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 - **Vishnu**, 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 :- 9.11.2023

Vinod.