

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43777 of 2023

Applicant :- Sunita Devi

Opposite Party :- State of U.P.

Counsel for Applicant :- Vipin Kumar, Jai Kishan

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant and learned AGA for the State-opposite party.
2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 689 of 2022, under Sections 60 & 60(2) of Excise Act, and Sections 272 & 273 of I.P.C., Police Station- Kotwali Nagar, District- Etah, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant is a lady and has been falsely implicated in the present case. False recovery of 20 litres of illicit liquor and other articles has been shown from the applicant. There is no independent witness to the alleged recovery. There is no F.S.L. report to establish that the liquor seized is illicit or spurious. The applicant is in jail since 12.09.2023, having no criminal history and in case, she is enlarged on bail, she 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 heard counsel for the parties and having perused the record this Court prima facie finds that there is no independent witness to the alleged recovery. Further, the applicant is a lady and has no criminal antecedents, and has remained confined for more than one month and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, 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 **Sunita Devi**, involved in the aforesaid case crime be released on bail on her furnishing a personal bond and

two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that she:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (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 :- 30.10.2023
Sachin Mishra