

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44283 of 2023

Applicant :- Rohit

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinod Kumar Tirpathi, Nimesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Nimesh Kumar Shukla, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been moved on behalf of the applicant with a prayer to enlarge him on bail in Case Crime No.92 of 2023, under Sections 419, 420, 467, 468, 471 IPC and Sections 60/63 of Excise Act, Police Station Karma, District Sonbhadra, during pendency of the trial.
3. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. It is further argued that the applicant was a passenger who was sitting in the alleged vehicle after taking lift from the driver. There is no independent witness of the alleged recovery. He claims parity with the co-accused, Manish who has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 01.11.2023 passed in Criminal Misc. Bail Application No.46165 of 2023. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 12.09.2023. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has vehemently opposed the bail application and submitted that illegal liquor in huge quantity, which was carried in a vehicle upon which the accused had put even false number plate, was recovered and the applicant was also arrested on the spot. He is responsible for what was being carried in the alleged vehicle. It is also contended that the applicant cannot take parity with the co-accused, Manish who was neither driver nor owner of the vehicle and also he was not owner of the property in question. It is further contended that in case he is released on bail, he may commit such

offence again, therefore, this bail application is liable to be rejected.

5. Considering the facts and circumstances of the case, nature of offence, this Court is not inclined to grant bail to the applicant at this stage. This Court is not satisfied that there are reasonable grounds for believing that he is not guilty of such offence and he would not commit any offence while on bail.

6. Accordingly, the bail application is **rejected** at this stage.

Order Date :- 16.11.2023

Shahroz