

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44690 of 2023

Applicant :- Rohit Kushvah

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Kumar, Lalit Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The F.I.R. in question was lodged alleging that the persons named in the F.I.R. were engaged in the manufacture of drugs without any authority. Learned counsel for the applicant next argued that applicant was charged for various offences including the offence under the N.D.P.S. Act. Learned counsel for the applicant further submits that applicant was only employed as driver in the company and owner of the company namely, Smt. Rekha Goyal, has already been enlarged on bail vide order dated 11.10.2023 passed by a co-ordinate Bench of this Court. Learned counsel for the applicant next submitted that applicant is a man of clean antecedent and he is no criminal history except the present one and he is languishing in jail since 08.07.2023.
3. Learned AGA has opposed the bail application.
4. Considering the fact that the co-accused has been enlarged on bail, the applicant is entitled to be enlarged on bail on the ground of parity. In view thereof, the application is allowed.
5. Let the applicant **Rohit Kushvah** be released on bail in FIR No.494 of 2023, under Sections 8/21/22/25, 27A, 29/60 N.D.P.S. Act and Sections 419, 420, 467, 468, 471 I.P.C., Police Station- Sidandra, District-Agra, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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 :- 31.10.2023

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