

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44469 of 2023

**Applicant :-** Gafoor

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Saurabh Pandey

**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. It is argued that on the same allegation, one of the co-accused Asgar Raza has already been enlarged on bail, even otherwise the recovery under N.D.P.S. Act is less than commercial quantity. He further argues that criminal history of the applicant has been properly explained in paragraph 9 of the affidavit accompanying bail application. The applicant is in jail since 22.09.2022.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the co-accused has been enlarged on bail and the alleged recovery is less than commercial quantity, 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 **Gafoor** be released on bail in FIR No. 333 of 2023, under sections 419, 420, 465 I.P.C. and section 8/20 of N.D.P.S. Act and section 11 The Prevention of Cruelty to Animals Act, 1960, P.S. Robertsganj, district-Sonbhadra, 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 :-** 21.11.2023

Faridul