

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45468 of 2023

Applicant :- Manish Gupta Alias Mintu Lal

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Supplementary affidavit filed on behalf of applicant in the Court today is taken on record.

2. Heard learned counsel for the applicant, learned AGA and perused the record.

3. The FIR in question was lodged against the present accused and other co-accused Mahipal, alleging therein that the goods loaded in the truck were being carried out for black marketing

4. Learned counsel for the applicant submits that neither the applicant was owner nor driver of the truck. The applicant is absolutely innocent and has been falsely implicated in the present case. He further submits that offence under Section 3/7 Essential Commodities Act is not attracted in the present matter against the applicant as there is no material on record, which could show that the goods were being transported for black marketing. It is lastly argued that similar role assigned to the co-accused Mahi Pal has already been enlarged on bail. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 17.8.2023.

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 **Manish Gupta Alias Mintu Lal** be released on bail in FIR No. 275 of 2018, under Section 3/7 Essential Commodities Act, P.S. Kotwali Dehat, district-Bulandshahar, 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 :- 2.11.2023

Faridul