Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44745 of 2023

Applicant :- Lalla Urf Sazzad

Opposite Party :- State of U.P.

Counsel for Applicant :- Prabhakar Pal,Rajesh Kumar Singh
Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The FIR in question was lodged alleging the recovery of 3.400 kilograms Ganja from the applicant.

3. The contention of the Counsel for the applicant is that the recovery is below the commercial quantity. He argues that the alleged recovery is contrary to the mandate of Section 50 of the NDPS Act as the same has not been done in the presence of Gazetted Officer or Magistrate, even there are no independent witnesses. The applicant has no criminal antecedents.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that the recovery is less than commercial quantity and prima face, there being non-compliance of Section 50 of the NDPS Act and the applicant is in custody since 16.09.2023, I am of the view that the applicant is entitled to be released on bail.

6. Accordingly, the bail application is allowed.

7. Let the applicant **Lalla Urf Sazzad** be released on bail in FIR/ Case Crime No.538 of 2023, under Section 8/20 of the NDPS Act, Police Station Rasulpur, District Firozabad on his furnishing personal bonds and two reliable sureties of the like amount each to the satisfaction of the 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/Sachin

Digitally signed by :-
SACHIN TIWARI
High Court of Judicature at Allahabad