

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45002 of 2023

Applicant :- Ajay Verma

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Kumar Dubey

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. In terms of the FIR, 6 KG of Ganja was allegedly recovered from the bag being carried by the applicant and two other persons. It is argued that the recovery is not in terms of the mandate of Section 50 of NDPS Act and is also not in terms of the guidelines explained by the Supreme Court in the case of ***Ranjan Kumar Chadha v. State of Himachal Pradesh (Criminal Appeal Nos.2239-2240 of 2011)*** decided on **06.10.2023**. It is further argued that the co-accused from whom a similar recovery was made has been enlarged on bail by this Court vide order dated 26.10.2023.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the recovery is less than the commercial quantity and the fact that the applicant has no criminal antecedent of an offence under NDPS Act prior to the offence in question and the co-accused has been enlarged on bail, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.

5. Let the applicant ***Ajay Verma*** be released on bail in FIR No.163 of 2023, under Section 8/20 of NDPS Act & Section 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, P.S. Aurai, District Sant Ravidas Nagar (Bhadohi) on his furnishing a personal bond with two sureties of the like amount 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 :- 1.11.2023

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