

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45571 of 2023

Applicant :- Subhash Jaiswal

Opposite Party :- State of U.P.

Counsel for Applicant :- Anup Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit today in Court, which is taken on record.
2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 257 of 2023, under Section 08/20 Narcotic Drugs & Psychotropic Substances Act, 1985, and Section 201 I.P.C, Police Station- Brijmanganj, District Maharajganj, during the pendency of trial.
4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case on the basis of false and planted recovery of **9.620** k.g Ganja. The alleged recovery of the substance recovered is below the commercial quantity as the commercial quantity of *Ganja* starts from 20 k.g. He further contends that there was no independent witness and also there was no compliance of mandatory provision of Section 50 of N.D.P.S Act has been made. The applicant has no criminal history in his credit. It is next contended that the co-accused- Pramila having identical role, has been granted bail by coordinate Bench of this Court in **Criminal Misc. Bail Application No. 43794 of 2023**, *vide* order dated 26.10.2023. Learned counsel for the applicant has produced a copy of the said order, which are taken on record. The applicant claim parity. The applicant is in jail since 01.09.2023. In case, he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions made by the counsel for the applicant.

6. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant - **Subhash Jaiswal**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 16.11.2023

Vinod / Shahroz.