

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45741 of 2023

Applicant :- Vipin Pandit

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Gaur

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed supplementary affidavit, which is taken on record.
2. Heard Sri Om Prakash Pandey, Advocate, holding brief of Sri Rahul Gaur, 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. 705 of 2023, under Sections 8, 20, 29, & 60 of the Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station Sahibabad, District Ghaziabad, during the pendency of trial.
4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case by the Police. The applicant has five criminal history, which is mentioned in para 14 of the affidavit. He further contends that alleged 220 kilogram contraband (*Ganja*) recovered from the truck of which the applicant, is said to be driver. There was no compliance of mandatory provision of Sections 42, 52 of the N.D.P.S Act has been made. In the supplementary affidavit, the applicant has shown three more criminal cases to his credit, which is mentioned in para 02 of the supplementary affidavit. It is next contended that the co-accused- Pradeep having identical role, has been granted bail by Coordinate Bench of this Court in ***Criminal Misc. Bail Application No. 37108 of 2023*** vide order dated 12.10.2023. Learned counsel for the applicant has produced copy of the said order, which is taken on record. The applicant claim parity. The applicant is in jail since 07.07.2023. In case, he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A 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- **Vipin Pandit**, 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.

8. 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 :- 11.12.2023.

Vinod.