

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46529 of 2023

Applicant :- Babulal Alias Bablu Gautam

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Surat Patel, Santosh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Ram Surat Patel, learned counsel for the applicant, learned AGA for the State and perused the record.

2. By means of this bail application applicant seeks bail in Case Crime No.163 of 2022, under Sections 8/20 NDPS Act, Police Station Gyanpur, District Bhadohi, during the pendency of trial.

3. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. Learned counsel has further stated that there is recovery of 21.50kg ganja from joint possession of the applicant and the co-accused who has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 12.01.2023 passed in Criminal Misc. Bail Application No.59341 of 2022. It is also contended that the applicant is also entitled to be enlarged on bail as his role is similar to that of the aforesaid co-accused. There is no compliance of mandatory provisions of the NDPS Act. There is no chemical analysis report to corroborate the prosecution version. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. There is criminal history of four cases against the applicant which has been explained in paragraph-8 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 31.08.2022. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submissions advanced by the counsel for

the applicant.

5. Having regard to the facts, circumstances and 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. Accordingly, the bail application allowed.

6. Let the applicant - Babulal Alias Bablu Gautam, 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 :- 30.11.2023

Shahroz