

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46903 of 2023

Applicant :- Vijay Goyal @ Banti

Opposite Party :- State of U.P.

Counsel for Applicant :- Shraddha Singh, Atul 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 alleges that on the basis of a seizure carried out certain medicines were recovered from the godown of one Narendra Sharma. It was also stated that the applicant was dealing with the said goods in question, which according to the prosecution was contrary to the mandate of the Drugs and Cosmetic Act as well as the NDPS Act.
3. The Counsel for the applicant argues that the applicant is totally blind and is doing the business of pharmacy. He argues that the recovered goods bears batch number. He also draws my attention to the seizure memo, which *prima facie* does not record the manner of forming a view as to how the medicines would be termed as narcotics. It is further argued that the co-accused Narendra Sharma and Rajkumar have been enlarged on bail. The bail orders are on record as Annexure-7 to the bail application.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that *prima facie*, the seizure of medicines is indicated along with the batch number and there being no material to link the said materials with the contraband as described under the NDPS Act and the fact that the co-accused from whose house the recovery has been effect, have been enlarged on bail by this Court, 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 ***Vijay Goyal @ Banti*** be released on bail in

FIR/ Case Crime No.393 of 2023, under Sections 8, 21, 22, 25, 27A, 29, 60 of the NDPS Act and Sections 419, 420, 467, 468, 471 IPC, Police Station Jagdishpura, District Agra 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 :- 3.11.2023

akverma