

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46628 of 2023

Applicant :- Mukesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Yogesh Kumar Mishra

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. It is alleged in the FIR that on the railway station certain cartons of medicines, according to the authorities, were kept. As the applicant and other co-accused persons were present near the cartons, they were linked with the said recovery. Apart from the same, an amount of Rs.390/- was allegedly recovered from the pocket of the applicant.

3. The Counsel for the applicant argues that search was not carried out in terms of the mandate of Section 100 of Cr.P.C. and the applicant has been falsely implicated and linked with the alleged fake medicine. The applicant has no criminal antecedents and is in custody since 24.09.2023.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that *prima facie*, the recovery is not in terms of the mandate of Section 100 of Cr.P.C. and the offences under the Drugs and Cosmetics Act are punishable for a term less than seven years coupled with the fact that the applicant does not have any criminal antecedents and is in custody since 24.09.2023, 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 ***Mukesh*** be released on bail in FIR/ Case Crime No.507 of 2023, under Sections 419, 420, 467, 468, 274, 275, 276 IPC and Section 18(a)(i) and 27 of the Drugs and Cosmetics Act, Police Station Kotwali, District Ghaziabad on his furnishing personal bonds and two reliable sureties of Rs.25,000/-

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 :- 2.11.2023

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