

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47630 of 2023

Applicant :- Vikash And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- S.P.S. Chauhan, Smt. Meenakshi Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.
2. The accused-applicants seek bail in Case Crime No.551 of 2023 under section 8/20 NDPS Act, P.S. Karhal, District Mainpuri.
3. In terms of the FIR, it was alleged that on the basis of a search carried out from eight persons named in the FIR including the applicants, allegedly two packets of each weighing about six kilogram of Ganja was recovered. As regards the applicants, it was alleged that two packets, each weighing six kilograms, was recovered from the bag carried out by the applicants.
4. In the light of the said allegations, the counsel for the applicants argues that the search was not done in the presence of any independent witnesses. He further argues that the recovery alleged against the applicants is less than the commercial quantity and the applicants have no criminal history.
5. Considering the fact that the FIR itself records that the recovery of twelve kilograms Ganja from each applicants, which is less than the commercial quantity and the applicants have no criminal history, the applicants are entitled for the bail. Thus the bail application is allowed.
6. Let the applicants ***Vikash and Hariom*** be released on bail in aforesaid first information report number subject to their furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned with the following conditions:
 - (a) The applicants shall execute a bond to undertake to attend the hearings;
 - (b) The applicants shall not commit any offence similar to the

offence of which he is accused or suspected of the commission;
and

(c) The applicants 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 7.11.2023

VNP/-